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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Violence against women in the family

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 1995/85

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Introduction

1. The Commission on Human Rights, at its fifty-fourth session, in resolution 1998/52, welcomed the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1998/54 and Add.1) and commended her for her analysis of violence in the family, violence in the community, and violence as perpetrated and/or condoned by the State.

2. The present report 1/ focuses on States' compliance with their international obligations with respect to domestic violence, specifically in terms of the 1996 report of the Special Rapporteur on violence in the family (E/CN.4/1996/53). In that report, the Special Rapporteur set forth 10 general and 23 specific recommendations to guide State action with respect to violence against women in the family.

I. WORKING METHODS AND ACTIVITIES

3. In an attempt to provide a systematic review of States' compliance with their international obligations with respect to domestic violence, the Special Rapporteur requested Governments to provide her with a written account and copies of the measures taken since 1994, in the context of those which existed prior to that time, to bring State policy and practice into compliance with the recommendations.

4. In particular, the Special Rapporteur sought the following information, first from Governments and subsequently from NGOs:

> "1. National plans of action: Because of the nature of domestic violence, its prevalence, persistence and high incidence throughout the world, States must develop comprehensive strategies to combat domestic violence and provide remedies for victims of domestic violence. The Special Rapporteur seeks information on the strategies that have been adopted to address domestic violence.
>
> "2. Statistics: In order to evaluate the impact of law and policies on the incidence of domestic violence and reporting, up-to-date statistical data should be collected and recorded in a public forum. The Special Rapporteur seeks copies of official statistics compiled by the State in relation to domestic violence.
>
> "3. Training: Training must be instituted for the police, prosecutors, forensic experts and the judiciary in order to combat the traditional insensitivity of the criminal justice system in addressing complaints of domestic violence. The Special Rapporteur seeks information regarding the training programmes that have been instituted to train and sensitize more adequately the various components of the criminal justice system on the issue of domestic violence.
>
> "4. Support services for victims: In addition to criminalizing domestic violence, services must be provided to meet the many needs, including safety, economic, housing, employment and child-care needs, of the victim. The Special Rapporteur requests information regarding victim support services provided by either the State or NGOs."

5. Owing to limitations of space and the specific focus of the present report on violence in the family, the Special Rapporteur has restricted her reporting to measures adopted to combat or provide remedies for violence against women in the family. Despite the specificity of the request, most States provided information of both a specific and a general nature, i.e. on domestic violence, but also on violence against women or the status of women. While the Special Rapporteur appreciates the depth of some State responses, owing to limited space, she was unable to include information of a general nature in this report. The Special Rapporteur noted a general pattern in State reporting: information on domestic violence was generally labelled, highlighted, and often included relevant dates.

II. FAMILY AND VIOLENCE: DEFINITIONS

6. Defined in both international and national law as the natural and fundamental unit of society, the family has been the focus of very little scrutiny under international law. This is largely a consequence of the traditional division between the public and private spheres and the emphasis in human rights discourse on public sphere violations. Increasingly, however, this is changing. No longer are human rights guarantees restricted solely to the public sphere. They likewise apply to the private realm, including within the family, and oblige the State to act with due diligence to prevent, investigate and punish violations therein.

7. The State, through legal and moral regulation, plays an important role in family life, as well as an important role in determining the status, rights and remedies of individual family actors. Women's traditional familial roles are enshrined in secular and religious laws on, inter alia, sexuality, violence (including marital rape or the lack thereof), privacy, divorce, adultery, property, succession, employment, and child custody. Such laws validate and entrench the dominant ideology of the traditional family and the woman's position within it. Familial ideology is often Janus faced. On the one hand, it offers private space for nurturing and intimacy. On the other hand, it is often the site of violence against women and social constructions of women's role in society that are disempowering.

8. Throughout the world, there exist divisions between the dominant, normative ideal of the family and the empirical realities of family forms. Whether the ideal is the nuclear family or a variation of the joint or extended family, such ideals in many cases are not wholly consistent with the realities of modern family forms. These family forms include, in increasingly large numbers, female-headed households in which women live alone or with their children because of choice (including sexual and employment choices), widowhood, abandonment, displacement or militarization. For example, one researcher has identified 11 distinct family forms in India alone: nuclear, supplemental nuclear, sub-nuclear, single parent, supplemental single parent, collateral joint, supplemental collateral joint, lineal joint, supplemental lineal joint, lineal-collateral joint and supplemental lineal collateral. 2/

9. Despite such differences, however, the culturally-specific, ideologically dominant family form in any given society shapes both the norm and that which is defined as existing outside of the norm and, hence, classified as deviant. Thus, the dominant family structure - whether it is

dominant in fact or merely in theory - serves as a basis against which relationships are judged. Further, it serves as the standard against which individual women are judged and, in many cases, demonized for failing to ascribe to moral and legal dictates with respect to family and sexuality. The extent to which such concepts apply to and have an impact upon women's lives is mediated by class, caste, race, ethnicity, access to resources and other ways in which women are marginalized. The dominance of familial ideology both within and outside the walls of the family home entrenches women's roles as wives and mothers and impedes women's access to non-traditional roles. Such ideology exposes women to violence both within and outside the home by enforcing women's dependent status, particularly among poor and working class women, and by exposing those women who do not fit within or ascribe to traditional sex roles to gender-based hate crimes. 3/ Such demonization fuels and legitimates violence against women in the form of sexual harassment, rape, domestic violence, female genital mutilation, forced marriages, honour killings and other forms of femicide.

10. It is important to understand that feminist critiques of the oppressive and violent aspects of traditional family forms are neither "anti-family" nor an attempt to destroy the family. Increasingly women's human rights defenders are coming under attack for, among other things, challenging traditional notions of the family. Public denouncements, accusations, harassment and physical violence are increasingly employed against women's human rights defenders. Commentators argue that in order to ensure that women's human rights are protected in both public and private life, the acceptance of non-traditional family forms is necessary. It is essential to recognize the potential for and work to prevent violence against women and the oppression of women within all family forms.

11. International standards articulating norms with respect to marriage and the family have focused, until recently, on issues of marital consent, privacy and children. The Universal Declaration of Human Rights (art. 16) and the International Covenants on Civil and Political Rights (art. 23) and on Economic, Social and Cultural Rights (art. 10) all articulate the right to marry and found a family with free and full consent. The Internal Covenant on Civil and Political Rights also articulates the equality of rights of spouses as to marriage, during marriage and at its dissolution (art. 23.4). Such rights are set forth in more detail in the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962).

12. All international human rights texts underscore the notion of choice (i.e. free and full consent) as the basis for forming a family. The Convention on the Elimination of All Forms of Discrimination against Women took a significant additional step in calling for the elimination of "discrimination against women in all matters relating to marriage and family relations", not only in terms of the right to enter into marriage with free and full consent and equal rights and responsibilities during marriage and its dissolution, but also in terms of equal rights with respect to reproduction, child-rearing, custody, property and protection against child marriage (art. 16). In its General Recommendation 19 the Committee on the Elimination of Discrimination against Women (CEDAW) went one step further by recognizing violence against women, including within the family, as a form of discrimination.

13. The Programme of Action adopted by the International Conference on Population and Development affirms the plurality of family forms and recognizes that there is no universal family model. Juxtaposed with the articulation of the family as the basic unit of society is the recognition that the family is socially constructed and thus is affected and transformed by demographic and socio-economic changes. International standards may influence those changes positively by requiring that consent and equality remain the basic principles around which such relationships are reconstructed.

14. Further, while, traditionally human rights texts have given protection to families on the basis of the full and free consent of partners, international norms have now also begun to address the question of sexual autonomy and the right to privacy of individual human beings. Paragraph 96 of the Beijing Platform for Action states, for example, that "the human rights of women include their right to have control over and decide freely and responsibly on matters relating to their sexuality, including their sexual and reproductive health, free of discrimination, coercion and violence".

15. One of the primary ways in which dominant familial ideology affects women, as well as men, is through dictates on sexuality. The European Court of Human Rights has recognized same sex marriage as an aspect of article 8, on the right to private life, of the European Convention. In 1994, the Human Rights Committee found that Tasmania's discriminatory sodomy laws were a violation of articles 7 and 2.1 of the International Covenant on Civil and Political Rights. The Committee read the category of "sex" in the list of prohibited bases for discrimination in articles 2 and 26 of that Covenant as covering sexual orientation. Asylum law in some countries has also recognized the need to bring sexual orientation within the gambit of international human right's protection. The Office of the United Nations High Commissioner for Refugees has recognized in an advisory opinion that lesbians and gay men constitute "members of a particular social group" for the purposes of refugee recognition.

16. As set forth in her first report on domestic violence, the Special Rapporteur calls for a broad understanding of family to include the multiplicity of family forms and provide protection for those within the family, irrespective of family form. The Special Rapporteur has received information about numerous forms of violence against women in the family, including but not limited to traditional forms such as wife battery and domestic assault. The Special Rapporteur has adopted an expansive definition of violence in the family to include "violence perpetrated in the domestic sphere which targets women because of their role within that sphere or as violence which is intended to impact, directly and negatively, on women within the domestic sphere. Such violence may be carried out by both private and public actors and agents. This conceptual framework intentionally departs from traditional definitions of domestic violence, which address violence perpetrated by intimates against intimates, or equates domestic violence with woman-battering" (E/CN.4/1996/53, para. 28).

17. Violence within the family comprises, inter alia, woman-battering, marital rape, incest, forced prostitution, violence against domestic workers,

violence against girls, sex-selective abortions and female infanticide, traditional violent practices against women including forced marriage, son preference, female genital mutilation and honour crimes.

18. Honour crimes were not addressed in the Special Rapporteur's earlier report. Since then numerous communications have been sent to her concerning such crimes against women, whereby the family kills a female relative deemed to have defiled the honour of the family. Reportedly, honour crimes are lega' in Lebanon. Honour is defined in terms of women's assigned sexual and familial roles as dictated by traditional family ideology. Thus, adultery, premarital relationships (which may or may not include sexual relations), rape and falling in love with an "inappropriate" person may constitute violations of family honour. In many cases, as in cases reported to the Special Rapporteur from Turkey, the male members of the family meet to decide on the execution of the woman. Once this has been decided, the family will often give the woman the opportunity to commit suicide. If she refuses to kill herself, one of the male family members will be forced to kill her. Adolescent boys are often compelled to commit the murder because they will receive a light sentence. The Special Rapporteur is gravely concerned about the practice of honour killing and is seeking additional information about such violence and measures that are being undertaken to combat it.

III. AN EVOLVING LEGAL FRAMEWORK

19. International standards clearly prohibit violence against women in the family.

20. According to the United Nations Declaration on the Elimination of Violence against Women, violence against women shall be understood to encompass, but not be limited to: physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation, and other traditional practices harmful to women, non-spousal violence and violence related to exploitation. (Declaration on the Elimination of Violence against Women, art. 2, (General Assembly resolution 48/104)).

21. General Recommendation 19 of CEDAW states that violence against women, including violence in the family, is discrimination within the terms of the Convention on the Elimination of All Forms of Discrimination against Women (para. 31, see document A/47/38).

22. Violence against women in the family raises the jurisprudential issue of State responsibility for private, non-State actors. In her previous report on violence in the family the Special Rapporteur outlined three doctrines put forward by scholars and experts in international law in attempting to deal with this issue of violence against women by private actors. The first, taken from the international law doctrine of State responsibility, was that States have a due diligence duty to prevent, investigate and punish international law violations and pay just compensation. The second doctrine is related to the question of equality and equal protection. If it can be shown that law enforcement discriminates against the victims in cases involving violence against women, then States may be held liable for violating international

human rights standards of equality. Finally, scholars have also argued that domestic violence is a form of torture and should be dealt with accordingly.

23. The principle of "due diligence" is gaining international recognition. In accordance with article 4 of the Declaration on the Elimination of Violence against Women, States must "exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons". General Recommendation 19 of CEDAW states that "under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights, or to investigate and punish acts of violence, and for providing compensation".

24. The due diligence standard of State responsibility for private actors was discussed in detail by the Inter-American Court of Human Rights in the judgement of the Velasquez-Rodriguez case handed down on 29 July 1988. In that case, the Government of Honduras was held responsible for violating human rights in the case of disappearances. The Court found that:

> "An illegal act which violates human rights and which is initially not directly imputable to the State (for example, because it is the act of a private person or because the person responsible has not been identified) can lead to international responsibility of the State, not because of the act itself but because of the lack of due diligence to prevent the violation or to respond to it as required by the Convention."

Further, the Court held that:

> "The State has a legal duty to take reasonable steps to prevent human rights violations and to use the means at its disposal to carry out a serious investigation of violations committed within its jurisdiction, to identify those responsible, to impose the appropriate punishment and to ensure the victim adequate compensation. This obligation implies the duty of State parties to organize the governmental apparatus and, in general, all the structures through which public power is exercised, so that they are capable of juridically ensuring the free and full enjoyment of human rights."

25. On her field visits concerning violence against women by private actors, the Special Rapporteur has attempted to assess State adherence to the due diligence standard. In so doing, she has relied upon the Declaration on the Elimination of Violence against Women and upon General Recommendation 19 of CEDAW and has considered information provided in response to the following questions:

(i) Has the State Party ratified all the international human rights instruments including the Convention on the Elimination of All Forms of Discrimination against Women?

(ii) Is there constitutional authority guaranteeing equality for women or the prohibition of violence against women?

(iii) Is there national legislation and/or administrative sanctions providing adequate redress for women victims of violence?

(iv) Are there executive policies or plans of action that attempt to deal with the question of violence against women?

(v) Is the criminal justice system sensitive to the issues of violence against women? In this regard, what is police practice? How many cases are investigated by the police? How are victims dealt with by the police? How many cases are prosecuted? What type of judgements are given in such cases? Are the health professionals who assist the prosecution sensitive to issues of violence against women?

(vi) Do women who are victims of violence have support services such as shelters, legal and psychological counselling, specialized assistance and rehabilitation provided either by the Government or by non-governmental organizations?

(vii) Have appropriate measures been taken in the field of education and the media to raise awareness of violence against women as a human rights violation and to modify practices that discriminate against women?

(viii) Are data and statistics being collected in a manner that ensures that the problem of violence against women is not invisible?

26. In 1998 the first case raising the issue of domestic violence as a violation of human rights was brought before an international tribunal, the Inter-American Commission on Human Rights. According to the arguments made in the Pamela Ramjattan case, the Government of Trinidad and Tobago breached Ms. Ramjattan's rights when it convicted her of murder and sentenced her to death after failing to consider mitigating factors specific to Ms. Ramjattan's experience as a battered woman. Ms. Ramjattan testified at her trial and has subsequently given sworn evidence that she was subjected to severe forms of domestic violence throughout her eight year common-law marriage. Reportedly, the police, legal aid lawyers, prison authorities, the courts and the Government of Trinidad and Tobago failed to consider the violent abuse which Ms. Ramjattan and her children were subjected to, and the effect of the abuse on her state of mind and her actions.

27. Under the Declaration, Recommendation 19 of CEDAW (Trinidad and Tobago ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1990), the American Convention on Human Rights and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, Ms. Ramjattan's right to life, fair trial, equal protection of the law and non-discrimination on the grounds of sex were reportedly violated. Although the Commission has not yet reached a conclusion in the case, the fact that it has been brought before the Commission is, in itself, an important step in the international movement to guarantee women's human rights. The Special Rapporteur remains concerned about Ms. Ramjattan and is watching the case with interest.

IV. FINDINGS

A. General trends

28. In the Spring of 1998, the Special Rapporteur sent a note verbale to Governments, requesting them to provide her with information about initiatives taken with regard to violence against women in the family. Subsequently, she sought the same information from non-governmental sources. In both governmental and non-governmental responses, there were common trends, positive and negative. Overwhelmingly, Governments presented a picture which suggested that they are taking steps, as small as they may sometimes be, to address violence in the family. Governments have begun to acknowledge that violence against women in the family is a serious social issue that should be confronted. Formal provisions and policies have been adopted in many States.

29. The Special Rapporteur would like to highlight the encouraging trend in Latin America and the Caribbean to adopt specific legislation on domestic or intra-family violence. Thus far in the 1990s, 12 Latin American and Caribbean countries have adopted such legislation. The Special Rapporteur welcomes these initiatives and encourages Governments to ensure effective implementation. 4/

30. Generally, as testified to in non-governmental submissions from all regions, however, there is a lack of coordination between the State and civil society in working towards the effective implementation of formal provisions and policies. While some States make an active attempt to consult and include civil society representatives in the process of developing and implementing laws and policies, others have maintained a distant and, at times, antagonistic relationship with NGOs. Overwhelmingly, Governments lack the necessary expertise to develop and implement policy relating to violence against women. Government actors generally, and those within the criminal justice system in particular, continue to subscribe to outdated myths about the role of women in society and the family, and about causes of violence in the family. Systematic training and gender awareness programmes are essential if policies are to be implemented by the criminal justice system.

31. Many States continue to make the erroneous link between alcohol and violence. While alcohol does in many cases exacerbate violence, alcohol does not itself cause violence against women. The focus on alcohol or drugs, rather than on male patriarchal ideology, which has as its ultimate expression male violence against women, undermines the anti-violence movement. Further, resources that should be allocated for support, training and systems' development in respect to family violence against women, is instead allocated to combat alcohol and drug use and provide services to alcoholics and drug-abusers. While such services may be necessary, they should not detract from resource support for violence against women programming.

32. Increasingly, States are using cultural relativist claims to avoid responsibility for positive, anti-violence action. The recognition of heterogeneous or multicultural communities is not at odds with developing comprehensive and multifaceted strategies to combat domestic violence. In all communities, the root causes of domestic violence are similar, even when the justifications for such violence or the forms of such violence vary.

33. Many Governments continue to classify women, children, the elderly, the disabled or any combination of these together as one social group. This arises from the paternal nature of the State, which seeks to protect "vulnerable" groups. While distinct measures must be developed to combat violence against women and provide remedies and support to victim-survivors, the emphasis must be on empowerment rather than care - on social justice rather than social welfare. Women must be treated, in fact and in law, as full citizens, endowed with rights and reason.

34. There is a continuing emphasis on mediation and counselling by police or mediation boards in cases of violence in the family. Police efforts to counsel victims in such cases, which often includes mediation between victim and perpetrator, may serve to undermine the seriousness of crimes of violence against women and, in many instances, may heighten the risk for the victim. While the police, as the gatekeepers to the criminal justice system, are in a unique position to link victims with support structures, police officers should not themselves serve as counsellors or mediators. This confuses the role of the police in the minds of the community and may send a message to the victim of domestic violence that the violence perpetrated against her is not serious enough to warrant the intervention of the criminal justice system.

B. State submissions 5/

1. Africa

Mauritius

35. Plan of action: The Special Rapporteur welcomes the creation of the Protection from Domestic Violence Act, which was implemented in two stages, on 25 May 1997 and 8 March 1998. The Act not only criminalizes acts of domestic violence, but also provides for protection orders, occupation orders (through which the victim is granted exclusive rights to live in the residence for up to 24 months), tenancy orders (through which the victim is given the exclusive right to occupy a rented residence), and proceedings to be held in camera. The Special Rapporteur is encouraged to note that the Government sought outside, non-governmental expertise to: (i) develop a coherent policy and strategy for domestic violence; (ii) propose a set of legal measures; and (iii) implement a framework for training local staff.

36. Statistics: The Special Rapporteur is encouraged to note that the Protection from Domestic Violence Act (1997) provides a mechanism to track the number of reported cases of domestic violence. Since August 1997, 700 cases had been recorded by the Ministry and 127 protection orders and 200 interim protection orders had been issued.

37. Training: Reportedly, an aspect of the work of the Domestic Violence Intervention Units is to conduct training programmes for staff, police and social workers.

38. Support services: The Special Rapporteur welcomes the establishment of a decentralized Domestic Violence Intervention Unit in five regions, but encourages the Government to ensure a coordinated national response.

Morocco

39. Plan of action: The Special Rapporteur is encouraged to note the Minister for Human Rights' sensitivity to issues of violence against women and encourages the Government to devise a comprehensive plan to address violence against women generally and domestic violence specifically.

40. Statistics: The Special Rapporteur regrets that no statistics were made available by the Government.

41. Training: The Special Rapporteur regrets that systematic domestic violence training was not reported.

42. Support services: The Special Rapporteur notes with interest the commitment of the Government to proceed systematically, in collaboration with civil society actors, to create centres to hear and provide assistance to women victims of violence. She urges the Government to ensure that these centres provide services to meet the particular needs of battered women.

2. Asia and the Pacific

Australia

43. Plan of action: The Special Rapporteur welcomes the initiative, Partnerships Against Domestic Violence, which came out of the National Domestic Violence Summit (November 1997). This initiative calls for coordination between the Commonwealth, states and territories throughout Australia.

44. As a responsibility of each state and territory, laws on domestic violence vary and, therefore, model domestic violence laws are currently under review. The Special Rapporteur welcomes efforts to systematize the law, as well as the efforts made in Victoria and the Northern Territory to tailor strategies specifically for indigenous communities. The Special Rapporteur encourages the Government to work with indigenous women to accomplish this objective.

45. Statistics: The Special Rapporteur regrets that specific statistics with respect to domestic violence were not provided.

46. Training: The Special Rapporteur welcomes ongoing training programmes aimed at increasing identification of women who have experienced violence and at improving responses to these women by a range of service providers, in particular welfare workers, police officers, the staff of local courts, police prosecutors, emergency personnel and general practitioners. While the Special Rapporteur welcomes general training in respect to gender bias, she encourages the Government to ensure systematic training is undertaken with respect to domestic violence.

47. Support services: The Special Rapporteur welcomes the many initiatives to provide support services to victim-survivors of violence in the family, in particular in the form of: transitional support and accommodation; outreach to rural women; the development of health services to meet the particular

needs of victim-survivors of domestic violence; bilingual outreach and materials for indigenous women in remote communities; access to Internet facilities for women and victims of violence to gain access to relevant information and services; information and services for battered immigrant women.

Japan

48. Plan of action: The Special Rapporteur welcomes the focus, in the Plan for Gender Equality 2000, on the elimination of all forms of violence against women, as well as the use of the definition of violence against women contained in the Declaration on the Elimination of Violence against Women: "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts ... whether occurring in public or private life".

49. Statistics: The Special Rapporteur regrets that she was unable to understand the statistics provided by the Government.

50. Training: While the information provided indicated that training of police and prosecutors is being undertaken with respect to violence against women generally, the Special Rapporteur encourages the Government to include systematic training concerning domestic violence as well.

51. Support services: The Special Rapporteur is concerned by reports that "[t]he police has been improving its counselling system to alleviate the mental burden of the victimized women". As of April 1996, Japan had 307 "daily life support facilities for mothers and children", with a capacity of 6,043 families. These facilities provide accommodation for "women having no spouse or women under equivalent circumstances together with their dependent children", which includes battered women and their children. The Special Rapporteur would like to stress the need for separate shelters for battered women and their children. The point at which a woman leaves her violent home is the point at which she is in greatest danger of physical harm, including death. General homes for women fail to provide appropriate services or secure facilities that address the safety issues that arise for women leaving violent homes and the particular emotional needs of battered women and their children. Confidential shelter sites or highly secure shelters may be the only way to ensure such women's safety. Furthermore, there is a need for staff trained in crisis counselling for women and for child victims of family violence. The Special Rapporteur would encourage the Government of Japan to create specific mechanisms to address the above needs.

Myanmar

52. Plan of action: Although the Special Rapporteur is encouraged to note the inclusion of violence against women in the 1997 National Action Plan for the Advancement of Women (August 1997), she regrets that information was not provided with respect to domestic violence. There is no indication that domestic violence has been admitted by the Government to be a problem. Further there is no indication that specific measures are being taken to

address domestic violence. Official denial of the existence of the problem may serve as an obstacle to victim reporting of such violence. The lack of reporting in turn may fuel the denial.

53. Statistics: The Special Rapporteur regrets that no statistics were provided.

54. Training: The Special Rapporteur is encouraged to note that general training on violence against women for police, prosecutors, judicial personnel and prison officials was included in the National Action Plan as a goal for the year 2000 and encourages the Government to include specific training programmes on domestic violence within their general violence against women training. The Special Rapporteur seeks additional information about how the National Action Plan is being implemented with respect to training.

55. Support services: The Special Rapporteur welcomes the provision for a "well funded drop-in centre for women victims of violence" in the National Action Plan as an objective to be reached by the year 2000. She encourages the Government to ensure appropriate services are provided for victim-survivors of violence against women in the family.

New Zealand

56. Plan of action: The Special Rapporteur welcomes both the Government's Statement of Policy on Family Violence (1996), which sets out principles to guide all government action, and the Strategic Result Area for the Public Sector (1997-2000).

57. The Special Rapporteur is encouraged to note the passage of the Domestic Violence Act of 1995, which includes provision for: a new single protection order; a broadening of the definition of domestic violence to include psychological abuse; increased penalties for breaches of protection orders; free legal aid with respect to protection orders; and new guidelines to ensure the arrest of violent abusers and the automatic revocation of firearms licences. The Special Rapporteur welcomes provisions that have particular significance for Maori women, including culturally appropriate programmes for Maori women and the recognition that abuse may be perpetrated by members of the wider family group. The Special Rapporteur urges the Government to work with Maori women in the development of culturally appropriate programmes.

58. Statistics: In the 18 months since the Domestic Violence Act of 1995 was introduced, 13,702 applications for protection orders have been made and 10,525 temporary and 6,880 final orders have been granted. Ninety-two per cent of the orders have been issued with men as the respondent to the order; 82 per cent of those were classified as cases of domestic violence.

59. Training: The Special Rapporteur welcomes initiatives to train actors within the criminal justice system on issues of domestic violence. She is particularly encouraged to note cooperative efforts by the State and civil society. For example, an inter-agency training package, entitled "Protecting women and children, an inter-agency response to family violence", has been developed by the National Collective of Women's Refuge Inc., the Children, Young Persons and Their Families Service and the New Zealand Police. A

training manual on anger management was published by the police in 1997. The Special Rapporteur notes the importance of providing services that address the needs of victim-survivors of family violence. The category of victim-survivor inevitably includes women and children; the Special Rapporteur reminds the Government of the need to devise separate programmes for each group.

60. Support services: The Special Rapporteur is encouraged by the Government's policy of collaboration with the non-governmental sector and its provision of funding for support services. Further, she welcomes the provisions for services in the Domestic Violence Act, including provisions that allow battered women to be accompanied in court by support people and court-ordered counselling for batterers.

The Philippines

61. Plan of action: The Special Rapporteur is pleased to note that, pursuant to the Office of the President issuing a call to action against domestic violence, government officials were convened in July 1997 for a consultation on implementation. The strategies adopted were: (i) formation of an inter-agency task force on generating statistics; (ii) adoption of a fast-lane and one-interview system of investigation; (iii) centre and hospital-based assistance to victims; and (iv) counselling services for both victims and offenders. It was unclear from the information provided whether or in what ways the strategies had been implemented in the year since the consultation.

62. Although the Anti-Rape Law of 1997 reportedly expanded the definition of rape and recognized the existence of marital rape, it nonetheless provided that "[i]n case it is the legal husband who is the offender, the subsequent forgiveness by the wife as the offended party shall extinguish the criminal action or the penalty: Provided that the crime shall not be extinguished or the penalty shall not be abated if the marriage is void ab initio".

63. Statistics: Statistics in respect to reported cases of domestic violence were as follows: 5,287 in 1995; 7,425 in 1996; 7,850 in 1997; and 850 in the first quarter of 1998.

64. Training: The Special Rapporteur is encouraged to note a proposed project entitled "Training on domestic violence for judges, prosecutors, law enforcers and the community" and urges the Government to ensure the implementation of this project.

65. Support services: As of 30 June 1998, a total of 1,227 women's desks had been established in police stations. The Special Rapporteur urges the Government to ensure that the women's desks are provided with the necessary resources. A hospital-based crisis intervention centre for "women victims of violence", which was started in 1993 and was financially supported by the Government in 1997, has handled 433 cases of domestic violence.

66. The Special Rapporteur encourages the creation of special courts to work on issues of domestic violence, but is concerned that the family courts created in the Philippines may not provide adequate remedies for victims of violence in the family.

Singapore

67. Plan of action: Although the Special Rapporteur welcomes the creation of the interagency Women and Family Violence Committee, she is concerned that the Committee does not have a comprehensive framework within which to work.

68. Statistics: The following statistics were provided for reported cases of family violence against women (including murder, voluntarily causing hurt with a dangerous weapon or means, voluntarily causing grievous hurt, voluntarily causing grievous hurt by dangerous weapons or means): 73 in 1995; 40 in 1996; 39 in 1997; and 17 until June 1998. Although the Government points to the statistics as proof that "Singapore's firm handling of crimes in general, and crimes against women in particular, has been effective in reducing crime against women", the Special Rapporteur wishes to express her concern that the criminal justice perspective of Singapore may discourage women from reporting domestic violence and thus may increase their risk of violence in the home.

69. Training: The Special Rapporteur welcomes the incorporation of family violence in the training syllabus for police officers, but is concerned that such training is framed in terms of "management" which may be at odds with a victim-centred approach. The Special Rapporteur welcomes the collaboration between the police and the Singapore Council of Women's Organizations in undertaking training initiatives.

70. Support services: The Special Rapporteur is encouraged to note that police officers inform victims of available services and provide referrals. However, she would seek additional information about the services that the Family Service Centres provide for victim-survivors of domestic violence and would encourage the Government to ensure such services are designed to meet the specific needs of women victim-survivors of family violence.

C. Latin America and the Caribbean

Argentina

71. Plan of Action: The Special Rapporteur welcomes the elaboration, in November 1996, of a national programme of training, technical assistance and sensitization in relation to violence against women generally, with specific provisions relating to domestic violence.

72. Statistics: The Special Rapporteur regrets that the Government does not collect statistics in relation to violence in the family, but is encouraged to note the intention of the Federal Police to develop a mechanism for registering cases of domestic violence. The Linea Mujer hotline received 21,066 calls in 1997 and 12,118 calls in the first half of 1998.

73. Training: The Special Rapporteur welcomes the specific, short-term initiatives of the National Council of Women and the Federal Police Force with respect to training, but urges the Government to undertake systematic training of members of the criminal justice system concerning domestic violence.

74. Support services: The Special Rapporteur welcomes the passage, in 1994, of a law on inter-family violence, which sets forth protective measures, through the exclusion of the batterer from the home and the re-entry of the victim into the home, and provides victims with the legal capacity to file a claim, in either a criminal or a family court, without a lawyer. The law also created centres of assistance and established specialized, interdisciplinary teams within the Ministry of Justice, to assist the courts. The Special Rapporteur is encouraged to note the existence, in Buenos Aires, of a government-run 24-hour telephone hotline for women.

Chile

75. Plan of action: While the Special Rapporteur welcomes the passage, in 1994, of the Law on Intra-family Violence and the creation of regional commissions to prevent violence in the family, she regrets that more specific information was not provided on the implementation of the law and the functioning of the commissions.

76. Statistics: The number of judicial cases of domestic violence were: 38,200 in 1995; 58,222 in 1996; and 61,015 in 1997.

77. Training: The Special Rapporteur regrets that the Government has not provided her with information about recent training initiatives.

78. Support services: The Special Rapporteur welcomes the creation of a direct telephone line to the police for the filing of complaints and the provision for protection orders, but seeks information on whether and how they are being used.

Colombia

79. Platform of action: The Special Rapporteur is encouraged to note the establishment in 1996 of the National Directorate of Equity for Women, which is charged with creating policies to combat violence against women, generally, and domestic violence, specifically.

80. The Special Rapporteur welcomes the passage, in 1996, of Law 294 on the Prevention, Elimination and Punishment of Violence against Women in the Family, which covers physical, sexual and psychological violence. New crimes include "crimes against the harmony and unity of the family" and "maltreatment through restriction of freedom". She is particularly interested in obtaining additional information about the provision on the restriction of freedom as a form of domestic violence. The Special Rapporteur is concerned, however, that punishments are limited to one to six months' imprisonment, indicating that such crimes may not be perceived to be serious.

81. Statistics: There were 51,451 cases of inter-family violence reported in 1996, in which 34,796 of the victims were spouses. Ninety-three per cent of the cases of spousal abuse were perpetrated against women.

82. Training: The Special Rapporteur notes the existence of training programmes for judges, the attorney general's department and the police on the protection of women's human rights; she encourages the Government to ensure that such training covers domestic violence.

83. Support services: The Special Rapporteur welcomes the clear articulation of the duty of the police set out in article 20 of Law 294 on intra-family violence, which states that "police officers must give all necessary assistance to avoid the repetition of the violence". Such measures require the police, inter alia, to take the victim to the closest medical centre, to take the victim to a secure place or to her home to collect her personal belongings, to inform the victim about the need to preserve evidence and how to do so, and to provide information about victims' rights and public and private services. There are 272 family police stations, at which victims can register all cases of family violence and can request psychological assistance and mechanisms to prevent further violence. The Special Rapporteur seeks additional information about how the implementation of these provisions is being monitored and what measures are being taken in cases in which police officers fail to comply with the provisions.

Cuba

84. Plan of action: The Special Rapporteur welcomes the formulation, in May 1997, of a plan of action to implement the goals and provisions of the Beijing Declaration and Platform for Action with respect to all forms of violence, and the creation of a national group that works to prevent violence and assist victim-survivors of violence within the family, particularly violence against women.

85. Statistics: The Special Rapporteur regrets that no statistics on domestic violence were provided.

86. Training: The Special Rapporteur regrets that there was no report of systematic domestic violence training.

87. Support services: The Special Rapporteur notes the existence of general support mechanisms for victims of violence and crime, but urges the Government to develop support mechanisms that specifically address the needs of battered women.

Guatemala

88. The Special Rapporteur is particularly heartened by the inclusion of family violence and the need to remedy family violence in the 1996 peace treaty and the establishment of the Women's National Forum for Peace.

89. Plan of action: The Special Rapporteur welcomes the approval, in 1997, of a national policy for women and the enactment of a law to prevent, punish and eradicate violence in the family. She appreciates that the Government understands the complexities women face in publicly denouncing domestic violence, but would encourage the Government to take additional steps to combat the culture of impunity surrounding domestic violence.

90. Statistics: The Special Rapporteur regrets that statistics specifically relating to domestic violence were not provided.

91. Training: The Special Rapporteur welcomes the inclusion of domestic violence in the curriculum of the police training academy and encourages a review of the training to ensure that it does not encourage practices, such as police mediation, that may worsen situations of domestic violence and endanger women.

92. Support services: The Special Rapporteur is encouraged by the breadth of the Government's plans for support services.

Mexico

93. Plan of action: The Special Rapporteur welcomes the creation, in 1995, of a national programme for Women, as part of the national plan for development, which devotes attention to violence against women generally and, within it, to domestic violence.

94. The Special Rapporteur welcomes the creation of a new criminal provision on intra-family violence and the recognition of intra-family violence as grounds for divorce. The Special Rapporteur is concerned, however, at the emphasis on the "protection of family harmony" and urges the Government to ensure that such protection is not at odds with women's rights. The Special Rapporteur is pleased to note the formal recognition of marital rape within the criminal code.

95. Statistics: The governmental Centre for the Assistance of Victims of Family Violence received 6,461 cases from January to June 1997, of which 70.2 per cent were cases of violence within the family; 9 out of 10 of those who used the services were women and 7 out of 10 cases concerned spousal mistreatment.

96. Training: The Special Rapporteur welcomes the initiative to develop a project to sensitize judges and members of parliament in respect to the implementation of the Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women. Further, she notes the existence of numerous initiatives at the state level. The Special Rapporteur encourages the Federal Government to work to systematize training of members of the criminal justice system throughout the country.

97. Support services: The Special Rapporteur is encouraged to note that the Constitution articulates the duty of the State to provide legal assistance to victims of sexual crimes and the right of victims to receive compensation. The Centre for the Assistance of Victims of Violence within the Family provides assistance to victims of family violence through legal, psychological and social services. The Special Rapporteur is encouraged to note that the Public Ministry has the authority to impose all the measures required to protect the physical and psychological integrity of the victim during the investigation and that criminal judges can enforce such measures during proceedings.

Paraguay

98. Plan of action: The Special Rapporteur welcomes the adoption of a national plan for the prevention and punishment of violence against women, but regrets the absence of specific provisions to address domestic violence. While the Special Rapporteur appreciates the Government's recognition of the inadequacy of existing criminal laws penalizing violence against women, she would encourage the Government to devise specific proposals on how to promote the passage of more effective laws in this area generally and with respect to domestic violence, specifically.

99. Statistics: Although general statistics on violence against women were reported for some States, the Special Rapporteur regrets that specific statistics on domestic violence were not provided.

100. Training: While the Special Rapporteur welcomes the various training initiatives undertaken by the Women's Secretariat in respect to violence against women generally, she urges the Government to carry out systematic training specifically with respect to domestic violence.

101. Support services: The Special Rapporteur welcomes the creation of a special national programme on the prevention of and assistance for domestic violence against women. The programme seeks to evaluate the quality of services provided to women victims of violence and to investigate the problem of violence in the family, with input from women victims of violence, former batterers and members of the police force and legal, health and education services.

Peru

102. Plan of action: The Special Rapporteur welcomes the creation of a permanent board for family violence under the newly created Ministry of the Promotion of Women (1996).

103. Statistics: In 1997, 24,576 registered complaints of family violence against women were made to the national police force. Of these complaints, 52.2 per cent concerned violence perpetrated by husbands against their wives; 44.5 per cent violence perpetrated by domestic partners; 2.8 per cent violence perpetrated by former husbands; and 0.5 per cent violence perpetrated by former partners. Of these cases, 76.5 per cent involved physical violence and 23.5 per cent psychological violence.

104. Training: The Special Rapporteur regrets that no systematic domestic violence training was reported.

105. Support services: The Special Rapporteur is encouraged to note that provisions for support mechanisms for women were incorporated in the 1997 amendments to the criminal law, including: the recognition of psychological maltreatment as a form of violence in the family; the giving of free medico-legal certificates for victims of violence in the family; the power of state counsel to intervene in family cases and dictate special provisions of protection for victims; and, for victims, the ability to decide not to attend

conciliation sessions. The Special Rapporteur would encourage the Government to provide information about the way in which these provisions are being implemented.

Uruguay

106. Plan of action: The Special Rapporteur welcomes the creation, in March 1998, of an interministerial commission to develop a national plan of action to confront domestic violence and modify the legislation.

107. Statistics: The Special Rapporteur regrets that statistics specifically relating to domestic violence were not provided, but notes that a survey of homes undertaken in November 1997 found that domestic violence existed in 47.3 per cent of all homes.

108. Training: The Special Rapporteur received conflicting reports from various branches of the Government with respect to the existence of training. There was, however, a suggestion that training of the police was being undertaken with respect to domestic violence. The Special Rapporteur is concerned that such training may be used to encourage mediation.

109. Support services: While the Special Rapporteur notes the three-pronged approach of the Commission on Women and Family Affairs to combating domestic violence, she is concerned about the apparent emphasis on mediation. She would like to call the Government's attention to evidence that mediation may exacerbate violence and put victims in greater danger. The Special Rapporteur is encouraged to note the existence of 15 government information centres for women and the family.

Venezuela

110. Platform for action: The Special Rapporteur is encouraged to note that the National Council for Women's Affairs has put forth a proposal on violence against women. She urges the Government to work systematically to implement the proposal.

111. Statistics: The Special Rapporteur regrets that statistics specifically relating to domestic violence were not provided.

112. Training: The Special Rapporteur notes that training is available for members of the public and private sectors on preventing violence against women in the family. There is also a special programme for the police on how to handle cases of domestic violence. The Special Rapporteur encourages the Government to review training materials to ensure that they do not encourage practices, such as police mediation, that may aggravate domestic violence and endanger women.

113. Support services: The Special Rapporteur is concerned that there are no shelters and few support services available for battered women.

4. The Middle East

Islamic Republic of Iran

114. Plan of action: The Special Rapporteur welcomes the creation of the three-year National Plan of Action on the Elimination of Domestic Violence Against Women by a sub-committee of the National Committee for Elimination of Violence against Women.

115. The Special Rapporteur would like, however, to express her concern about the link made in the Plan of Action between women's rights and "duties in the family and society", since duties are often invoked to negate women's rights. Nonetheless, the Special Rapporteur takes such statements in the spirit of the document as a whole, which sets forth a programme with strong potential to combat domestic violence, if implemented.

116. Statistics: The Special Rapporteur regrets that statistics specifically relating to domestic violence were not provided.

117. Training: The Special Rapporteur regrets that she received no reports of training courses specifically concerning domestic violence.

118. Support services: The Special Rapporteur is encouraged to note that support services are being planned and requests the Government to provide information about the implementation of such plans.

Israel

119. Plan of action: The Special Rapporteur welcomes the establishment, in 1998, of an interministerial committee to monitor cooperation among the more than eight ministries and authorities involved in combating domestic violence as a step towards developing a more coordinated strategy to address domestic violence.

120. The Special Rapporteur shares the Government's concern about honour crimes against Arab women and the particular difficulties faced by battered Arab women in seeking assistance.

121. Statistics: Approximately 20,000 police files per year are opened in the area of violence in the family, of which, 75 per cent are complaints by wives against their husbands. Twenty-six women were murdered by their husbands in 1997 and 13 between January and July 1998. In 1997, 15,444 files were opened in response to women's complaints of violence by their husbands.

122. Training: The Special Rapporteur is encouraged to note that the police have established a permanent training system in respect of domestic violence. Reportedly, the fact that only 25 per cent of domestic violence cases reported to the police are closed for lack of proof is evidence of the training's success. The Special Rapporteur regrets that information with respect to prosecution rates was not similarly provided.

123. Support services: Information on support services was provided under the heading "Rehabilitation of victims". The emphasis on rehabilitating

victims implies that the victim-survivor of domestic violence is sick or in some way debilitated. While not to minimize the trauma associated with domestic violence, it is the perpetrator rather than the victim whose behaviour and social patterns are in need of rehabilitation.

Jordan

124. The Special Rapporteur is gravely concerned at the statement in the Government's report that "no distinction is made between offences of adultery and rape, the victims of both offences being viewed in the same light". The issue of consent, in particular a woman's agency (capacity) to consent to sexual relations, even when such relations are outside the purview of those morally sanctioned by the State, must be recognized in criminal law. Rape should be defined in terms of non-consensual sexual relations.

125. The Special Rapporteur is also concerned that her request for information has been interpreted to include "voluntary abortion". Specifically, the Ministry of Justice stated that it was "submitting this report ... on the effective measures taken to implement Jordan's international obligations concerning domestic violence and the punishment of the persons responsible for crimes of violence against women, conjugal rape, violence against domestic servants, females and children and voluntary abortion". The Special Rapporteur is particularly concerned about strict proscriptions on abortion in Jordan and notes that, in many cases, penalties for performing abortions are heavier than are penalties for the physical assault of a woman.

126. National plan of action: The Special Rapporteur is encouraged to note that domestic violence is one of the priorities set forth in the Plan of Action for the Social Sector devised by the Jordanian National Committee on Women's Affairs in 1994. The Special Rapporteur welcomes the campaign "Democracy without women's rights is not democracy" carried out by the Government in 1994-1995, which focused on violence and discrimination against women by individuals, the family and society, particularly in the form of beatings, conjugal rape, marriage without consent, forced labour, lack of adequate care, exploitation of traditional beliefs in order to repress women, social discrimination against divorced women and widows and the lack of esteem that is generally shown towards women who fail to respect the code of honour.

127. Statistics: Although general statistics on violence against women were provided, the Special Rapporteur regrets that specific statistics on domestic violence were not provided.

128. Training: The Special Rapporteur welcomes training initiatives with respect to domestic violence and encourages the Government to systematize such training.

129. Support services: The Special Rapporteur notes that counselling centres attached to the courts of first instance have been established in Amman, Zarqa and Irbid and are being planned throughout the country.

Kuwait

130. The Special Rapporteur regrets that the requested information concerning national plans of action, statistics, training and support services was not provided. She is concerned that the Government has neither legally recognized nor provided remedies and support for victims of violence against women in the family. She is also concerned that women and children are being treated as one indistinguishable class in government policy. The Special Rapporteur would like to remind the Government that such an approach is incompatible with the full protection and promotion of women's human rights.

131. While the Special Rapporteur notes the existence of formal articulations of non-discrimination with respect to legal redress, she regrets that distinct measures of redress and support for victims of violence against women generally, and domestic violence specifically, have not been developed to remedy the propensity of law, policy and State institutions to discriminate in fact, if not formally, against women. Owing to the distinct nature of violence against women and women's social and legal status, particular measures must be addressed to meeting, inter alia, the safety, psychological, medical and legal needs of victims of violence against women in the family. The Special Rapporteur notes with concern the continuing classification of crimes or indecent assault and rape in terms of crimes against honour and reputation, rather than as violent crimes against the person.

132. The Special Rapporteur welcomes the information provided by the Government concerning violence against domestic workers and the formal steps taken to address such violence through new laws and agencies, as well as the conclusion of bilateral agreements with sending countries with respect to international migrant workers. However, the Special Rapporteur notes with concern the lack of support services available for foreign victims of violence against domestic workers who, far from their own country and often unable to communicate with their employers, are particularly vulnerable to violence.

5. Europe and North America

Austria

133. Plan of action: While the Special Rapporteur welcomes the adoption, in 1997, of the 25-point Programme of Action against Violence in Society, she is concerned that it does not include special measures to address violence against women generally and domestic violence specifically. The Special Rapporteur would like to draw the Government's attention to the fact that the gender-specific nature of violence against women has traditionally been overlooked in generalized anti-violence campaigns.

134. Statistics: The Special Rapporteur regrets that statistics on domestic violence were not provided.

135. Training: The Special Rapporteur welcomes the holding, since 1995, of two-day seminars on violence in the family as part of the basic training programme for all police officers in Austria. Although further courses are planned, the Special Rapporteur is concerned that such training is being

restricted to individuals "involved in women's projects and those working at women's counselling centres", rather than being made compulsory for members of the criminal justice system.

136. Support services: The Special Rapporteur welcomes the enactment, in May 1997, of the Federal Act for Protection against Domestic Violence, which gives the police power to remove the batterer from the common home and bar him from coming within a certain distance of it. It also provides a framework for cooperation between the police and the civil courts. The Special Rapporteur is encouraged to note that the first intervention centre against violence in the family was established in 1996 and that, since then, 13 additional centres have been established.

Croatia

137. Plan of action: The Special Rapporteur welcomes the establishment, in May 1996, of the Commission for Issues of Equality and the subsequent development of the National Policy for the Promotion of Equality, a critical aspect of which is the prevention and elimination of violence against women generally and domestic violence specifically.

138. Statistics: The Special Rapporteur regrets that no statistics specifically relating to domestic violence were provided.

139. Training: The Special Rapporteur regrets that no specific information was provided on training with respect to domestic violence.

140. Support services: The Special Rapporteur welcomes the obligation set forth in the National Policy that the Government must ensure adequate accommodation and assistance to victims of violence against women, and encourages the Government to allocate sufficient resources for such purposes.

Cyprus

141. Plan of action: The Special Rapporteur welcomes the government Advisory Committee's plan of action, which includes monitoring, training, promoting public campaigns, compiling statistics, undertaking research and facilitating interagency coordination.

142. Statistics: The Special Rapporteur regrets that the statistics provided were not clear.

143. Training: The Special Rapporteur welcomes the training initiatives with respect to domestic violence, in particular the incorporation of an eight-hour training session on domestic violence in the basic police training and the ongoing one- to two-week multidisciplinary training programmes for the police. The Special Rapporteur is encouraged by the Government's frankness concerning resistance amongst police participants and urges the Government to explore additional training modalities to address such resistance. The Special Rapporteur is concerned about "family peacemaking (mediation)" workshops for the police and cautions the Government about encouraging the police to play the role of mediator in situations of domestic violence. Such mediation may place women's safety at greater risk.

144. Support services: The Special Rapporteur welcomes the introduction of a new provision in the law that permits the establishment and operation of a shelter for victims of violence. However, the Special Rapporteur cautions the Government against the establishment of a general shelter for victims of crime, since this may increase the threat to victims of violence against women generally and domestic violence specifically. The Special Rapporteur welcomes increased penalties for certain offences when committed by one family member against another.

Denmark 6/

145. Plan of action: The Special Rapporteur welcomes the steps taken by the Government to address the specific needs of battered immigrant women. She is concerned, however, that there is no concrete national plan of action to address domestic violence systematically.

146. Statistics: The Special Rapporteur regrets that no statistics were provided.

147. Training: The Special Rapporteur regrets that no information was provided on training with respect to domestic violence.

148. Support services: The Special Rapporteur welcomes the establishment, in 1998, of a working group to develop guidelines for the organization of efforts relating to battered women.

Germany

149. Plan of action: Although the Special Rapporteur notes that the Federal Government implemented a three-year campaign on violence against women, she regrets that no information was provided on specific measures taken in terms of domestic violence.

150. Statistics: The Special Rapporteur regrets that statistics are not collected. Although the Government asserts that "because of the wide range of definitions, it is impossible to make any reliable statements for Germany concerning the actual extent of violence against women in all its forms", the systematic collection of statistics would assist the Government in more adequately assessing the extent of such violence, as well as in providing remedies for victims of violence against women.

151. Training: The Special Rapporteur regrets the lack of specific training with respect to domestic violence.

152. Support services: The Special Rapporteur is encouraged to note that a pilot project, based on the "Domestic abuse intervention project" in Duluth, Minnesota, is being undertaken by the Federal Ministry for Women.

Luxembourg

153. Plan of action: Although the Special Rapporteur welcomes initiatives to strengthen laws with a view to criminalizing physical and sexual violence against women, she is concerned that there is no systematic plan to address domestic violence.

154. Statistics: The Special Rapporteur regrets that statistics on domestic violence were not provided.

155. Training: The Special Rapporteur regrets that there appears to be no systematic training of members of the criminal justice system in relation to domestic violence.

156. Support Services: The Special Rapporteur is encouraged to note that financial assistance is being provided by the Government to support centres for victims of violence against women.

Norway

157. Plan of action: The Special Rapporteur regrets that no comprehensive plan of action to address domestic violence systematically has been formulated.

158. Statistics: The Special Rapporteur regrets that statistics specifically relating to domestic violence were not provided.

159. Training: The Special Rapporteur regrets that information was not provided with respect to domestic violence training programmes.

160. Support services: The Special Rapporteur welcomes the 1995 amendment to the Criminal Procedure Act which provides for a protective order to prohibit a person from entering a specific area or following, visiting or otherwise contacting another person in cases of domestic and/or sexual violence against women. Further, the Special Rapporteur is encouraged to note the creation of an alarm system for women who are under serious threat of violence, in which a violence alarm is linked to the nearest police station and calls from the alarm must be given the utmost priority.

Slovak Republic

161. The Special Rapporteur is concerned that the Government may be relying on outdated notions that substance abuse causes violence against women. Although substance abuse may exacerbate violence against women, it does not cause the violence. As such, providing therapy for alcoholics and drug abusers is not an adequate remedy for violence against women.

162. Plan of action: The Special Rapporteur welcomes the adoption, in 1997, of the National Action Plan for Women, which identifies violence against women as one of its priorities. Although domestic violence is not specifically set forth as a priority theme, the Special Rapporteur notes that many of the Plan measures address domestic violence.

163. Statistics: The Special Rapporteur regrets that statistics are not kept with respect to domestic violence. Although she encourages the Government of the Slovak Republic to take steps to draft domestic violence legislation, she wishes to point out that the absence of such legislation should not prevent the collection of statistics. The Special Rapporteur is also concerned at the distinction made, in the Slovak report, between domestic violence and "public violence", which suggests that distinctions between public and private are being employed to differentiate or prioritize certain violations of women's human rights.

164. Training: The Special Rapporteur notes with concern the Government's apparent adherence to a formal notion of justice, as highlighted by the statement that "[i]n the light of the fact that the valid Penal Code of the Slovak Republic provides for equality of justice for both men and women in criminal proceedings, no special standards for legal procedures and the conduct of persons active within the system of criminal justice that would enforce justice and equality for women have been developed". The Special Rapporteur would like to remind the Government that formal articulations of equality may be insufficient to ensure that violence against women is prevented, investigated and punished.

165. Support services: Although noting that women have access to common remedies provided to all victims of crime, the Special Rapporteur regrets that there are no support services specifically provided for victims of domestic violence.

Spain

166. Plan of action: While the Special Rapporteur notes the creation of the Equal Opportunity Plan for Men and Women, she regrets there is no comprehensive strategy to address family violence against women.

167. Statistics: The Special Rapporteur regrets that the Government is not systematically collecting statistics with respect to domestic violence. She notes with concern that there is an average of 16,000 complaints of domestic violence and 85 domestic murders each year.

168. Training: The Special Rapporteur regrets that no specific training is being undertaken for the various branches of the criminal justice system with respect to domestic violence.

169. Support services: No new support initiatives were reported.

Sweden

170. Plan of action: The Special Rapporteur welcomes the Government's initiatives to strengthen violence against women legislation through the introduction of the crime of "gross violation of a woman's integrity", which is intended to address repeated punishable violence committed against women by men with whom they have relationships; to broaden the scope of its violence against women policies to reach the immigrant community; to study, with a view to using electronic monitoring of men who breach restraining orders; and to develop more effective treatment programmes for abusers.

171. Statistics: Reportedly, 66 per cent of the 18,560 reported cases of assault of women in 1996 were cases of domestic assault.

172. Training: No new training initiatives that specifically address domestic violence had been implemented as of the time of reporting.

173. Support services: The Special Rapporteur welcomes the allocation of government funds for violence against women at work, in particular for the national centre for battered and raped women, which was established in 1994.

Switzerland

174. Plan of action: The Special Rapporteur welcomes the elaboration of a national plan to implement the Beijing Platform for Action, including a section on violence against women, and the establishment of a working group to ensure its implementation.

175. Statistics: The Special Rapporteur regrets that the Government does not maintain statistics on domestic violence.

176. Training: The Special Rapporteur regrets that there appears to be no systematic training of members of the criminal justice system in relation to domestic violence.

177. Support services: The Special Rapporteur commends the Government for recognizing the right of victims of abuse to receive assistance free of charge. While welcoming ongoing support initiatives, the Special Rapporteur regrets that no new support measures have been implemented.

Turkey

178. Plan of action: The Special Rapporteur is encouraged to note the constitutional obligation to put into place legal measures to protect women and children victims of violence in the family. Further, she notes the creation of a national plan of action (1996) to implement the Beijing Platform for Action, including with respect to violence against women. The Special Rapporteur is encouraged to note the Government's intention to work toward the passage of legislation to ensure that rape committed in the home is a punishable crime. While the Special Rapporteur welcomes the Government's intent to institute penal sanctions against those who undertake virginity controls irrespective of motive, she is concerned about the Government's intention to maintain virginity control in the Turkish Penal Code. The Special Rapporteur urges the Government to take all measures to abolish the practice, in public and private, of virginity testing.

179. Statistics: The Special Rapporteur regrets that no statistics were made available.

180. Training: The Special Rapporteur encourages the Government to systematize the various training programmes undertaken and planned to educate the police, the security forces, health personnel and other public agents on the question of violence against women generally, and with respect to violence in the family.

181. Support services: The Special Rapporteur welcomes the recent law reform concerning the protection of the family (January 1998), which provides for the issuance of protection orders and imprisonment for three to six months for the violation of such orders.

United Kingdom of Great Britain and Northern Ireland

182. Plan of action: The Special Rapporteur is concerned that, although the Government indicated that it is undertaking several initiatives, many of which arose out of the Interdepartmental Working Party on Domestic Violence in 1994, the lack of a national plan may result in a lack of coordination and, in some cases, conflicting or incoherent policy.

183. The Special Rapporteur welcomes the creation of the Scottish Partnership on Domestic Violence. In particular, the Special Rapporteur is encouraged by the focus on groups of women, such as women from ethnic minority groups and women with disabilities, who are doubly marginalized. The Special Rapporteur is likewise encouraged by the 1995 Northern Ireland strategy document and the institution of the regional Domestic Violence Forum to promote coordination and cooperation among key agencies.

184. Statistics: The Special Rapporteur regrets that the Government does not keep statistics on domestic violence. Likewise, the Special Rapporteur is concerned at the assertion that "crime statistics relate to offence type not to the relationship between the victim and the offender". The Special Rapporteur would like to call the Government's attention to the need to treat domestic violence as a distinct offence in order to ensure that appropriate remedies are provided. Traditionally, general assault and battery statutes have not provided adequate remedies for victims of domestic violence. Reportedly, 44 per cent of the 681 offences of homicide recorded in England and Wales in 1996 were cases of domestic homicide, in which women were killed by current or former spouses or lovers.

185. Training: While the Special Rapporteur notes the publication, in 1994, of the Police Research Group's paper, "Preventing domestic violence to women", she is concerned that measures have not been undertaken to operationalize the findings of the report. The Special Rapporteur welcomes the training initiatives of the Judicial Studies Board, Family Committee, particularly with respect to Part IV of the Family Law Act of 1996.

186. Support services: While the majority of support services are run by non-governmental groups, the Special Rapporteur is encouraged to note that the Government provides substantial financial assistance, in particular for shelters and hotlines. The Special Rapporteur welcomes the creation of a generalized Victims Charter (1996), which has as its key provisions:
(i) keeping victims informed of significant developments in their case; and
(ii) considering how the views of victims might be taken into account by the criminal justice agencies when dealing with their case.

United States Of America

187. The Special Rapporteur welcomes the passage into law, in 1994, of the federal Violence against Women Act and the steps taken to implement the Act

including: the launching in 1996 of a free hotline that provides local referrals 24 hours-a-day and offers access to translators in 139 languages; the passing in September 1996 of the Lautenberg Amendment, which bans anyone convicted of a domestic violence offence from possessing a firearm; the establishment of the Advisory Council on Violence against Women; and the creation by the Department of Justice of the S*T*O*P (Services, Training, Officers, Prosecutors) Violence against Women grant programme which provides funds for direct service programmes for victims of domestic violence.

188. While the Special Rapporteur recognizes that, to some degree, the Violence against Women Act represents a codified national plan of action, she nonetheless regrets that the specific information requested was not provided with respect to national plans of action, statistics, training and support systems.

C. Non-governmental submissions

189. Albania: Reportedly, there is no law specifically addressing domestic violence, including marital rape, and no provision for social services by the Government. The Special Rapporteur encourages the Government to take steps to develop a systematic plan to address domestic violence and combat traditional beliefs, in particular those based on the "Kanun of Lek Dukagjini", that contribute to domestic violence.

190. Angola: According to reports, no measures have been adopted systematically to address domestic violence and provide support services for victim-survivors. The Special Rapporteur encourages the Government to take steps to develop a national plan of action as an initial step to address domestic violence.

191. Antigua and Barbuda: The Special Rapporteur welcomes new legislation that recognizes marital rape as a criminal offence.

192. Armenia: Reportedly, the Government has not adopted a national plan of action on violence against women generally or in relation to domestic violence specifically. The Special Rapporteur urges the Government to take steps to develop and implement a comprehensive plan on domestic violence.

193. Australia: According to reports, the Federal Government has cut federal funding, which has affected women's access to legal aid and social services. Moreover, funds have reportedly been reallocated from programmes that support women and children to programmes that work with perpetrators. While the Special Rapporteur recognizes the importance of such programmes, they should not detract from or compete with services for victim-survivors. Further, according to reports, services are increasingly being privatized. The Special Rapporteur urges the Government to monitor both private and public service delivery units to ensure that such providers are implementing the Government's progressive policies on domestic violence.

194. Barbados: The Special Rapporteur welcomes the joint initiative between the Government and NGOs in introducing Barbados's Day for the Elimination of Violence against Women in 1996 and the creation of the coordinating committee for the elimination of violence against women in 1997.

195. Belize: The Special Rapporteur is encouraged to note the recent study on the effectiveness of the Domestic Violence Act and urges the Government to work to address its findings that there is a need for greater collaboration between the police, family courts and health professionals. She also welcomes the establishment of a domestic violence task force. The Belize study highlights the need for Governments to move beyond mere criminialization of domestic violence to ensure collaboration among State institutions for effective implementation of the laws.

196. Bolivia: The Special Rapporteur welcomes the revision, in December 1995, of the law that previously made violence in the family a non-punishable offence. Law No. 1674 provides for protection orders and orders prohibiting the perpetrator access to the family home.

197. Bulgaria: The Special Rapporteur is concerned with reports that the Government has done little to address domestic violence or provide remedies for victims. Allegedly, there are neither laws nor government support services. In this respect, the Special Rapporteur urges the Government to take all possible measures to make the national laws and practice on violence against women generally, and domestic violence specifically, comply with its obligation to act with due diligence to prevent, investigate and punish acts of violence against women.

198. Brazil: The Special Rapporteur is heartened to note that the Constitution includes an article on domestic violence (art. 226). However, the Special Rapporteur regrets that marital rape, which constitutes a form of domestic violence, is not recognized under the law. The Special Rapporteur reaffirms her recommendations contained in the report on her mission to Brazil in 1996 (E/CN.4/1997/47/Add.2).

199. British Virgin Islands: The Special Rapporteur welcomes the passage in March 1996 of a new law on domestic violence and looks forward to receiving the results of the Government's study on the causes of domestic violence.

200. Canada: The Special Rapporteur is concerned at reports of severe reductions in government spending on, inter alia, emergency women's shelters, second stage shelters, 24-hour crisis intervention lines and community service agencies that provide services to battered women and their children. In 1995, the Government reportedly cut spending on women's programming, including anti-violence services, by 25 per cent, which has allegedly had an impact on the implementation of progressive policies. According to one study, there has been an increase in the number of women murdered by their partners and ex-partners. The example of Canada demonstrates that progressive laws and policies are undermined by failure to allocate adequate funds or to create reliable enforcement mechanisms.

201. China: The Special Rapporteur is encouraged to note recent steps taken at the provincial level with respect to domestic violence, in particular by the Changsha government's formulation in 1996 of a set of rules to combat domestic violence, which introduced provision for the arrest of batterers. She also welcomes the recent establishment of shelters for battered women in, among other cities, Shanghai and Wuhun. However, the Special Rapporteur is

concerned that the central Government's recent revisions to the penal code failed to incorporate more effective measures to combat domestic violence.

202. Colombia: The Special Rapporteur notes with concern reports that women are not availing themselves of the protection of the law - specifically the new provisions for the issuance of protection orders within four hours, compensation and orders excluding the perpetrator from the home - owing to lack of training and political will to implement such measures. The Special Rapporteur urges the Government to take the necessary steps to oversee the effective implementation of the new mechanisms for protection.

203. Costa Rica: The Special Rapporteur welcomes the adoption of the law against domestic violence in April 1996 and its definition of domestic violence, which includes physical, psychological and sexual violence, violencia patrimonial and economic violence. The Special Rapporteur, however, is concerned about interpretations of the gender neutral nature of the bill. Reportedly, judges are interpreting the law in favour of potentially violent men, and battered women, in some cases, are being turned out of their homes.

204. Cuba: The Special Rapporteur welcomes the 1997 penal code revisions relating to prostitution, which include penalties for family members who force women and children into prostitution.

205. Dominica: The Special Rapporteur in encouraged to note that efforts are being undertaken to draft a domestic violence act.

206. Egypt: The Special Rapporteur congratulates the Government for prohibiting, in 1996, the practice of female genital mutilation and the Supreme Court for upholding the regulation after an attempt was made to annul it. The court held it "hereafter illegal for anyone to practise genital mutilation even with the consent of the girl or her parents". The Court went on to say that "female genital mutilation is not a right under the Shariah because nowhere in the Koran nor in the Sunni precepts and traditions left by the Prophet is there a text authorizing the practice of female genital mutilation". The Special Rapporteur is, however, concerned about the potential loophole which allows female genital mutilation when "medically imperative". The Special Rapporteur knows of no situation where it would be medically imperative.

207. Fiji: According to reports, there is no specific legislation on domestic violence and few cases have been brought before the courts. Although, the Special Rapporteur is heartened by the Police Department's adoption, in September 1995, of the "No Drop" policy, which requires all domestic violence cases to be investigated, she is concerned at reports that a lack of sensitivity and considerable delays in the investigation process leave victim-survivors exposed to more violence. In particular, the Special Rapporteur is concerned about reports that the burden of pursuing action if a non-molestation order is breached is on the woman, who must return to court. Reportedly, police statistics have documented a 149 per cent increase in reported cases of domestic violence over a five-year period (1993-1997). The Special Rapporteur calls on the Government to take all possible measures, in collaboration with the non-governmental sector to develop a coordinated response to domestic violence that includes the systematic collection of

statistics, training for all members of the criminal justice system and the provision or financial support of support services for victim-survivors.

208. Finland: The Special Rapporteur welcomes the launch of a five-year project to combat violence against women generally and urges the Government to ensure that attention is focused on domestic violence.

209. Ghana: The Special Rapporteur congratulates the Government on banning customary practices that have been found to be detrimental to women's health, including female genital mutilation and widowhood rites. She encourages the Government to ensure the effective implementation of the ban.

210. Grenada: The Special Rapporteur welcomes the launch of a campaign to educate the public on domestic violence and spousal abuse, the creation of a shelter for battered women and the introduction of a 24-hour trauma hotline for women.

211. Guyana: The Special Rapporteur is encouraged by the passing of the Domestic Violence Act in December 1996, but is concerned at reports that victims are intimidated by the law. She would encourage the Government to take steps to assess the implementation of the law and ways in which such intimidation can be overcome or the law amended to ensure its effective implementation.

212. India: The Special Rapporteur is concerned at reports that despite the continuing increase in levels of violence against women generally and violence within the family specifically, few steps have been taken to prevent, investigate and prosecute violence against women. Further, according to reports, current development priorities, which cause displacement, loss of shelter and livelihood, and break down community support mechanisms, are contributing to the incidence of violence against women. The Special Rapporteur calls on the Government to take effective measures to arrest the increase in violence against women and to provide support and remedies for women.

213. Jamaica: The Special Rapporteur welcomes the passage, in May 1996, of the Domestic Violence Act.

214. Kenya: According to information provided, the Government has developed neither a strategy to combat domestic violence nor a law that specifically addresses the crime. Further, the Special Rapporteur regrets reports that the Government is not systematically compiling statistics specifically relating to domestic violence or undertaking training. The Special Rapporteur is encouraged to note the work of NGOs in providing support services to victim-survivors. She welcomes the women's NGO campaign to combat female genital mutilation by promoting a ritual of "circumcision by words". This initiative seeks to curb the violence and harmful effects of female genital mutilation, while retaining the cultural significance of the ritual.

215. Lebanon: The Special Rapporteur is very concerned at reports that honour crimes, which allow any member of a woman's immediate or extended family to kill her if she is suspected of dishonouring the family, are legal. The Special Rapporteur encourages the Government to take all necessary steps

to abolish this form of violence against women in the family. The Special Rapporteur also encourages the Government to revise article 522 of the Penal Code, which, in cases of seduction, rape, forced prostitution and kidnapping, legalizes a marriage and allows the perpetrator to avoid prosecution if both parties "consent" to the marriage. Reportedly, the practice of kidnapping and raping women forces victims to "consent" to marriage or face ostracization and unmarriagability.

216. Malaysia: The Special Rapporteur welcomes the passage and implementation of the Domestic Violence Act, passed in 1994 and given effect in June 1996. The Special Rapporteur urges the Government to ensure that police and social service personnel act with greater transparency and that effective training is provided with respect to domestic violence. While the Special Rapporteur welcomes the actions set forth in the National Plan of Action with respect to the full implementation of laws pertaining to the prevention of domestic violence, abandoned wives and heads of households, and the creation of shelters, crisis centres and counselling services for victims, she is concerned at reports that the call for the strengthening of civil (family) and Shariah courts may undermine such efforts. The Special Rapporteur calls on the Government to ensure that the strengthening of family and Shariah courts does not undermine attempts to curb all forms of domestic violence.

217. Maldives: According to reports, there has been no action by the Government to address domestic violence systematically. The Special Rapporteur encourages the Government to take steps to develop a coordinated strategy that would include, inter alia, the compilation of statistics, training of criminal justice personnel and the provision of support services with respect to violence against women in the family.

218. Mongolia: The Special Rapporteur welcomes reported moves to revise and amend the family laws, specifically in relation to domestic violence. However, she highlights the need to develop a comprehensive legal and social response to domestic violence that includes criminalization. The Special Rapporteur is encouraged to note that a women's centre against domestic violence has been established.

219. Mozambique: While the Special Rapporteur welcomes the formulation by the Government of a national plan of action that includes women's rights and violence as priority themes, she is concerned at reports that steps have not been taken to implement the plan.

220. Namibia: The Special Rapporteur is encouraged to note that positive steps are being taken to remedy the Government''s reported failure to provide adequate remedies and support in cases of domestic violence. She notes with interest a discussion document published in November 1998 which contains proposals based on the United Nations Framework for Model Domestic Violence Legislation. The Special Rapporteur encourages the Government to take all steps to ensure the document assists the process of policy development and reform.

221. Nepal: The Special Rapporteur is concerned about reports that women in Nepal are being systematically denied their basic right to be free from

violence, in particular through high levels of domestic violence and discrimination within the criminal justice system against victim-survivors of domestic violence.

222. New Zealand: The Special Rapporteur is encouraged to note that a condition of government funding of services is the collection and transmission of statistics to the Government. The Special Rapporteur urges that statistics be compiled and made accessible for purposes other than meeting funding goals. While it was reported that the Government does not have any ongoing national plan against domestic violence, it was noted that it does conduct short-term campaigns. The Special Rapporteur encourages the Government to take steps to systematize its response to domestic violence.

223. Nicaragua: The Special Rapporteur regrets that there is no national plan of action on violence against women generally, or specifically in relation to domestic violence, and urges the Government to take steps to devise a comprehensive strategy to combat domestic violence.

224. Pakistan: According to reports, although there have been two National Action Plans, which have both included a chapter on violence against women in general and in the family, few concrete measures have been taken to implement the provisions. The Special Rapporteur is encouraged to note that two crisis centres have been established and that steps are being taken to improve State-run shelters. The Special Rapporteur regrets that statistics on domestic violence are not being systematically collected and that training of members of the criminal justice system has not been systematically undertaken. The Special Rapporteur notes the creation of separate police stations for women in Islamabad, Lahore, Karachi, Peshawar, Multan and Abbotabad, and encourages the Government to ensure that women's police stations are provided with the necessary resources and that strong, victim-friendly laws, policies and procedures are put in place and enforced.

225. Panama: Reportedly, no national plan has been developed to combat violence against women generally, or in the home. The Special Rapporteur regrets the lack of a central database for statistics gathered by various government ministries and the failure of the Government to undertake systematic training of criminal justice system personnel.

226. Poland: The Special Rapporteur is concerned at reports that, at the end of 1997, the Government abolished a programme to combat violence against women that had been initiated in September 1997. The Special Rapporteur is likewise concerned at the reported lack of government will to comply with its international obligations with respect to violence against women generally, and domestic violence specifically, and calls on the Government to take steps effectively to prevent, investigate and punish cases of domestic violence and to provide remedies for victims.

227. Republic of Korea: The Special Rapporteur is encouraged to note the passage of the Special Law regarding Domestic Violence and the Punishment of Offenders in November 1997 and the role the women's movement played in the passage of the law.

228. Russian Federation: According to information provided, the Government has no clear strategy for addressing violence against women generally, or domestic violence specifically. According to one report, the law enforcement system "creates numerous and substantial obstacles" to combating violence against women. The Special Rapporteur urges the Government to devise a comprehensive plan, in collaboration with NGOs, to address domestic violence systematically. Reportedly, a further obstacle is entrenched distrust of those linked to the State, such as the police, lawyers and the courts, because of recent history, when all were used as tools of State oppression. The Special Rapporteur encourages the Government to seek mechanisms by which trust in the State can be rebuilt.

229. Serbia: According to reports, there is no national plan of action systematically to address violence against women in the family, collect statistics or provide training. The Special Rapporteur is concerned at reports that some members of the Government express hostility toward NGOs, thereby hindering potentially effective collaboration in areas such as policy development, training and service provision. The Special Rapporteur is encouraged to note the development of a civil society proposal for comprehensive legal protection in cases of domestic violence and would welcome information from the Government on the steps taken to consider the proposal. She also welcomes the creation by NGOs of SOS hotlines and counselling services for victims of domestic violence.

230. St. Lucia: The Special Rapporteur welcomes the introduction of a Domestic Violence Act and the creation of a crisis centre.

231. South Africa: The Special Rapporteur welcomes the passage, in November 1998, of the new Domestic Violence Bill, which provides, inter alia, a broad definition of domestic violence, including financial, emotional, physical and other forms of violence perpetrated by any member of the family, including in customary unions. It also reportedly requires police to assist women in obtaining medical help and in finding shelter, and imposes penalties when such obligations are not met.

232. Spain: The Special Rapporteur is concerned at reports that more effective steps have not been taken to respond to violence against women generally, and domestic violence specifically. After a high profile murder of a woman by her former husband in 1997, calls were reportedly made by both Government and opposition for stricter measures against domestic violence. In 1997, the police reported 19,000 complaints from battered women, compared with 16,300 complaints in 1996. However, the government Institute of Women estimates that the complaints represent a mere 10 per cent of the problem. The Special Rapporteur regrets that measures have not been implemented to act upon the calls for stricter measures. The Special Rapporteur urges the Government to work more closely with NGOs in addressing the problem of domestic violence.

233. Sri Lanka: The Special Rapporteur regrets reports that the Government has failed to provide mechanisms for prosecution and redress in cases of domestic violence. She also notes the lack of support services for victims. While the Special Rapporteur welcomes revisions to the Penal Code with respect to violence against women, she notes the failure of the Government to counter

the fundamentalist lobby, which effectively impeded the criminalization of marital rape, except in extremely rare cases of formal judicial separation. The Special Rapporteur urges the Government to take steps to develop a strategy, including legislation, training, the collection of statistics and the provision of services for victim-survivors of domestic violence.

234. Tanzania: The Special Rapporteur regrets reports that the Government has not developed a systematic plan to address domestic violence, including marital rape. The Special Rapporteur urges the Government to work with NGOs already providing services and training to develop a plan that would include strong penal measures, the collection of statistics, training of criminal justice personnel and provision for support services.

235. The former Yugoslav Republic of Macedonia: According to reports, there is no legislation specifically addressing domestic violence and few mechanisms available to provide women with assistance or support. The Special Rapporteur urges the Government to develop a systematic plan to address domestic violence that includes training, the collection of statistics, the revision of discriminatory laws and the provision of services.

236. Thailand: The Special Rapporteur welcomes the inclusion of a provision on protection from domestic violence in the new Constitution of October 1997. Reportedly, however, the Government has taken few measures to give effect to the new constitutional guarantee. The Special Rapporteur notes with interest that, in 1995, police departments appointed 15 female investigators to work on women's and children's cases in three police stations.

237. Trinidad and Tobago: Although the Special Rapporteur welcomes the Government's introduction of a 24-hour crisis line, she is concerned that it reportedly provides services to both victims and batterers. While the Special Rapporteur does not negate the need for services for batterers, such services must be undertaken separately to ensure that the particular needs of victims are not undermined. Power and control are the major mechanisms employed by abusers in situations of domestic abuse. Such tactics may also be used on counsellors to gain access to information about victims. It is essential that support services for victims be prioritized over support services for abusers that may exacerbate violence and may provide abusers with new tools of power and control.

238. Togo: The Special Rapporteur congratulates the Government on the recent ban on female genital mutilation.

239. Uganda: The Special Rapporteur is encouraged to note the existence of the National Action Plan, which includes violence against women as a priority theme. Reportedly, however, there is a dearth of criminal justice measures to provide adequate redress for victims and the Special Rapporteur therefore encourages the Government to consider taking steps to develop legislation to fill the existing gap in the protection of women from domestic violence. The Special Rapporteur also encourages the Government to take steps to collect statistics on domestic violence and to undertake training of criminal justice system personnel.

240. United Kingdom of Great Britain and Northern Ireland: The Special Rapporteur welcomes the formulation in Scotland of a national plan of action, reportedly due to be released in March 1999. The Special Rapporteur urges the Scottish authorities to ensure mechanisms are created to compile statistics and undertake systematic training of criminal justice personnel. According to reports, although police procedures have improved, their success has been blocked by the criminal justice system.

241. Zimbabwe: The Special Rapporteur welcomes the establishment of a gender office within the Office of the President, which is taking steps to address domestic violence. She regrets reports that efforts are not being systematically undertaken by the Government to collect statistics, undertake training of criminal justice personnel and provide support services for victim-survivors. She is, however, encouraged by the pilot project in Harare and Bulawayo for victim-friendly courts, and the plans to include services for domestic violence victims within this scheme.

V. CONCLUSION

242. Overwhelmingly, States are failing in their international obligations to prevent, investigate and prosecute violence against women in the family. While there are encouraging moves to create and implement new policies, procedures and laws with respect to violence against women generally, and domestic violence specifically, such violence does not appear to command Governments' attention. National policies continuously fail to give priority and force to women's human rights. Women continue to be viewed and treated as second-class citizens with a secondary rights status. Violence against women is overwhelmingly viewed as a "woman's" issue rather than a serious human rights issue which affects a large percentage of any country's population. With few exceptions, domestic violence continues, to varying degrees, to be treated by Governments as a private family matter.

243. The non-governmental sector is charged with the double burden of undertaking their own programming, while simultaneously pressuring the Government to fulfil its obligations with respect to women's human rights. The quest for effective mechanisms to combat violence against women in the family is not and cannot be the sole responsibility of women's NGOs. Rather, the eradication of violence against women is the responsibility of Governments. Equality, political, social and economic participation, and development are all seriously undermined by the continuing and growing prevalence of violence against women generally and domestic violence specifically. Governments must take every possible step, in consultation and collaboration with activists, academics and other experts, to prevent, investigate and prosecute violence against women in the family and provide support and remedies to victim-survivors of such violence.

Notes

1/ The Special Rapporteur would like to thank Lisa Kois, Marge Schuler and My Linh Soland for their invaluable assistance, as well as the numerous individuals and organizations who responded to the Special Rapporteur's request for information. In addition, she would like to thank Janie Chuang, Kathy Hall Martinez, Rebecca Cook, Rosalind Petchesky and Saama Rajakaruna for their invaluable assistance in compiling the addendum on policies and practices that impact women's reproductive rights and contribute to, cause or constitute violence against women.

2/ Pauline Kolenda, "Regional differences in family structures in India" in Ratna Kapur and Brenda Cossman, Subversive Sites. Feminist Engagements with Law in India (New Delhi, Sage Publications, 1996).

3/ Ratna Kapur and Brenda Cossman, Subversive Sites. Feminist Engagements with Law in India (New Delhi, Sage Publications, 1996), p. 96.

4/ Mala N. Htun, "Laws and public policies to punish and prevent violence against women in Latin America", November 1998, draft paper on file with the Special Rapporteur.

5/ The Special Rapporteur regrets that some State submissions were not received in time to be considered in this year's report.

6/ The Special Rapporteur regrets that a portion of the Danish submission was missing, which necessarily affected her analysis.

Annex I

STATE RESPONSES TO DOMESTIC VIOLENCE (1995-1997)

Countries	Specific criminal law	National action plan	Protection services	Support services	Records/ statistics	NGO involvement
Afghanistan	No	X	X	X	X	
Albania	No	X	No	No	No	
Algeria	No	X	X	X	X	
Angola	No	X	X	X	X	
Antigua and Barbuda	X	X	X	X	X	
Argentina		X				
Armenia						
Austria	No	No	X	X	X	
Australia	X	X	X	X	X	
Bangladesh	No	X	X	X	No	
Belize	No	No	No	X	No	
Benin	X	No	No	X	No	
Bolivia	X	X	No	No	No	
Bosnia and Herzegovina	No	X	No	X	X	
Botswana	X	X	No	X	X	
Brazil	X	X	X	X	X	
British Virgin Islands	X	X	X	X	X	
Brunei Darussalam	No	X	No	X	X	
Bulgaria	No	No	No	X	X	
Cambodia	No	X	X	X	X	
Cameroon	X	X	X	X	No	
Canada	No	No	X	X	X	
Chile	X	X	X	X	X	
China	No	X	No	X	No	
Colombia	X	X	No	No	No	

Countries	Specific criminal law	National action plan	Protection services	Support services	Records/ statistics	NGO involvement
Costa Rica	X	X	X	X		
Croatia	No	X	No	No	No	
Cuba	No	X	No	No	No	
Czech Republic	No	X	X	X	X	
Cyprus	X	X	X	X	X	
Dominica	No	X	No	No	No	
Dominican Republic	No	X	No	No	No	
Ecuador	X	X	No	X	No	
Egypt	No	X	No	X	X	
El Salvador	No	No	No	No	No	
Ethiopia	No	X	No	X	X	
Fiji	No	X	X	X	X	
Finland	X	X	X	X	X	
France	X	X	X	X	X	
Germany	X	X	X	X	X	
Ghana	No	X	No	No	No	
Greece	No	X	X	X	X	
Grenada	X	X	X	X	X	
Guyana	X	X	X	X		
Haiti	No	X	No	No	No	
Honduras	X	X	No	No	No	
India	No	X	No	No	No	
Indonesia	No	X	X	X		
Iran (Islamic Republic of)	No	X	X	X		
Israel	X	X	X	X		
Jamaica	X	X	X	X		
Japan	No	X	No	X	No	
Jordan	No	X	X	X	X	

Countries	Specific criminal law	National action plan	Protection services	Support services	Records/ statistics	NGO involvement
Kenya	No	X	No	No	No	
Kazakhstan	No	X	No	X		
Laos People's Democratic Republic	No	X	X	X		
Lebanon	No	X	X	X		
Lithuania	No	X	No	No	No	
Luxembourg	No	X	X	X		
Madagascar	No	X	No	No	No	
Malaysia	X	X	X	X		
Mali	No	X	No	X		
Mauritius	X	X	X	X		
Mexico	X	X	X	X		
Mongolia	X	X	No	X		
Morocco	No	X	X	X		
Mozambique	No	X	No	X		
Myanmar	No	X	No	X		
Namibia	No	X	X	X		
Nepal	No	X	No	X		
New Zealand	X	X	X	X		
Nicaragua	X	X	X	No		
Nigeria	No	X	No	No		
Norway	No	X	X	X		
Pakistan	No	X	No	X		
Panama	X	X	X	X		
Paraguay	X	X	X	No		
Peru	X	X	X	X		
Philippines	X	X	X	X		
Poland	No	X	No	X	No	
Portugal	No	X	No	X		

Countries	Specific criminal law	National action plan	Protection services	Support services	Records/ statistics	NGO involvement
Republic of Korea	X	X	X	X		
Republic of Moldova	No	X	No	X		
Romania	No	X	No	No	No	
Russia	No	X	No	X		
St. Lucia	X	X	X	X		
St. Vincent and the Grenadines	X	X	X	X		
Senegal	No	X	X	X		
Sierra Leone	No	X	No	X		
Singapore	X	X	X	X		
Slovakia						
Slovenia						
South Africa						
Spain						
Sri Lanka	No	X	No	No	X	X
Suriname	No	X	No	X	X	X
Swaziland	X	X	X	X	X	X
Sweden	No	X	X	X	X	X
Switzerland	No	X	X	X	X	X
Syria	No	X	No	No	X	X
Tanzania	X	X	X	X	X	X
Thailand	No	X	No	X	X	X
Tonga	X	X	X	No	X	X
Trinidad and Tobago	No	X	No	X	X	X
Tunisia						
Uganda						
Ukraine	No	X	No	X	X	X

Countries	Specific criminal law	National action plan	Protection services	Support services	Records/ statistics	NGO involvement
United Kingdom	X	No	X	X	X	X
United States	X	X	X	X	X	X
Venezuela	X	X	No	X	X	X
Viet Nam	No	X	X	X	X	X
Yugoslavia						
Zimbabwe						

Note: Of the 161 countries that have signed/ratified the Convention on the Elimination of All Forms of Discrimination against Women, 116 on the list have signed/ratified and 8 have not signed/ratified the Convention.

Annex II

LIECHTENSTEIN

At the invitation of the Government of the Principality of Liechtenstein, the Special Rapporteur on violence against women, its causes and consequences, visited Vaduz on 7 April 1998 to study the issue of domestic violence.

The Special Rapporteur would like to express her sincere appreciation for the assistance extended to her by the Government of Liechtenstein. During her visit, she met with high-level representatives of the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Family Affairs and Equality between Men and Women, the Office of Social Welfare, the National Police and the Foreign Police Office. The Special Rapporteur is also grateful to the representatives of the Equal Rights Office and the Commission on Equal Rights for Men and Women for the information provided in connection with her visit.

The Special Rapporteur also had the opportunity to meet with representatives of non-governmental organizations such as Information and Contact Network for Women (Infra), Organization for Assistance of Refugees, Association for Educational Work for Women and Women's Shelter. The Special Rapporteur wishes to thank them for their valuable cooperation.

During her visit to the women's shelter, the Special Rapporteur took the testimonies of three women and would like to express her thanks to them for agreeing to relate their personal experience concerning domestic violence. The Special Rapporteur was impressed by the shelter and the service it provides.

The Principality of Liechtenstein, a constitutional monarchy and parliamentary democracy, has a Government that respects the human rights of its citizens, as provided for in the Constitution. It is working to eliminate discrimination against women in the area of civil and political rights. Since women gained the right to vote, and in accordance with a 1992 constitutional amendment mandating equality for women, Parliament has amended a significant number of laws to ensure equality of treatment, inter alia the laws on citizenship, on employment and on labour conditions. The Special Rapporteur would like to point out that even if equality between men and women exists de jure, this does not mean that de facto equality has been achieved, or that it will automatically be forthcoming. The Special Rapporteur notes with appreciation that efforts in this respect have been made through preparatory work on an equality act.

The question of violence against women has so far mainly been raised by non-governmental organizations in Liechtenstein. For example, in order to combat all forms of gender-based violence against women, a campaign was started in September 1997 with the active support of various NGOs. The first part of the campaign addressed the problem of sexual harassment in the workplace; the second part, the issue of domestic violence. Although the will to combat this phenomenon exists, the Special Rapporteur is concerned

about the lack of studies and disaggregated statistical data on the subject. No study on sexual harassment in the workplace has been undertaken and no statistical data on rape are available.

In 1991, the women's shelter, supported by the Association for the Protection of Mistreated Women and Children, was opened. It has proved to be an important source of assistance for women victims of violence, particularly of domestic violence. It offers temporary shelter, qualified counselling and personal assistance in a secure environment to physically and psychologically abused women and their children. This project is financed with government funds. The shelter provided refuge for 15 abused women in the first half of 1997, only 6 of whom were citizens. The shelter serves as a model for other jurisdictions.

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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy

Addendum

Communications to and from Governments

GE.99-10070 (E)

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Introduction

1. At its fifty-fourth session, the Commission on Human Rights, in its resolution 1998/52, requested all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and to respond to the Special Rapporteur's visits and communications. The Commission, furthermore, welcomed the efforts by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and consequences, in particular, where appropriate by sending joint urgent action appeals and communications with other special rapporteurs.

2. The Special Rapporteur has produced a standard reporting form to be used to document alleged instances of violence against women (annex). In this connection, it should be emphasized once more that, in accordance with her mandate, the Special Rapporteur is in a position only to process cases of alleged violence against women which are gender-specific, that is violence or threats of violence directed against women because of their gender.

3. The Special Rapporteur wishes to inform the Commission that she has transmitted communications to the Governments of China, Guatemala, Indonesia, Iran (Islamic Republic of), Israel, Mexico, Nepal, Peru, Saudi Arabia, Sri Lanka, Trinidad and Tobago, Tunisia and Turkey. The Special Rapporteur regrets to inform the Commission that only the Governments of Guatemala, Indonesia, Mexico, Sri Lanka and Turkey replied to her request for clarification.

INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES

China

4. On 10 December 1998 the Special Rapporteur sent a joint urgent appeal, with the Special Rapporteurs on the question of torture and freedom of opinion and expression, to the Government concerning two Tibetan nuns, Ms. Ngawang Sandrol and Ms. Ngawang Choezom, from the Chubsang nunnery. The two nuns are said to be in extremely poor physical condition after having been subjected to harsh interrogation and ill-treatment in Drapchi prison, Tibet. They have reportedly been placed in solitary confinement after the alleged suppression of prisoners' demonstrations inside Drapchi prison on 1 and 4 May 1998. Fears were expressed that the nuns are at serious risk of torture and sexual assault while in solitary confinement. The Special Rapporteurs appealed to the Government to ensure that the rights of the two nuns to physical and mental integrity are protected.

Guatemala

5. By letter dated 30 July 1998 the Special Rapporteur informed the Government that she had received reports alleging that at approximately 3 a.m. on 17 June 1998, men armed with grenades, machetes and firearms assaulted a group of 30 members of Mama Maquin, a women's organization which works with returned refugees and displaced people in Guatemala, as they were returning

from a meeting in the returned refugee community of Victoria 20 de Enero, Ixcan municipality, El Quiche department. It is reported that the assailants beat several women with the broadsides of their machetes and stole their personal goods. They allegedly tore up the papers from the meeting and cursed the women and their organization. According to information received, the same day members of Mama Maquin in Guatemala city received death threats and messages of intimidation from unidentified men urging them to give up their struggle on behalf of returned refugee women. The information suggests that these actions are connected to their activities as defenders of women's rights in Guatemala. The Special Rapporteur expressed the hope that the Government would investigate the allegations and take immediate action to bring the alleged perpetrators to trial, in order to comply with its international obligations.

6. The Government replied that it had contacted Mama Maquin and held meetings to investigate the facts. A complaint will be submitted by Mama Maquin to the District Attorney's Office (Fiscalía Distrital) of the Public Ministry of Alta Verapez, and the organization will present the case during the week of 23 to 28 November 1998. The Government has guaranteed that representatives of the Office for the Defence of Women of the Office of the General Attorney for Human Rights (Defensoría de la Mujer de la Procuraduría de los Derechos Humanos) and the Unit for Women of the Prosecutor General's Office (la Unidad de la Mujer de la Procuraduría General de la Nación) will accompany Mama Maquin to this hearing.

Indonesia

7. In a joint communication with the Special Rapporteur on the question of torture dated 27 July 1998, the Special Rapporteur expressed concern over the case of Ms. Rosita Gomes Pereira, who was allegedly raped on 1 May 1998 by two members of the military in Darnei, a hamlet close to the village of Poetete, Ermera district, East Timor. It is reported that the perpetrators were two soldiers from the Lulirema military post, in the village of Coliate, Hatolia, Ermera district. The Special Rapporteurs encouraged the Government to investigate the allegations.

8. On 23 July 1998, in a joint communication with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur communicated her concern over the allegations of violence against the ethnic Chinese population in Indonesia. During the riots in May 1998, widespread and systematic rapes of ethnic Chinese women were reported. It is alleged that some of the victims were targeted specifically because of their Chinese origin. The police and security forces may have been involved in these acts, according to witnesses who cited the organized nature of the assaults and gave physical descriptions of the perpetrators.

9. Human rights and women's aid groups have reportedly received telephone threats to stop their investigations and assistance to the rape victims, and witnesses and victims who have given evidence to the Indonesian human rights commission have also allegedly been threatened. The Special Rapporteur expressed the hope that the Government would take action to ensure that adequate protection is provided to the ethnic Chinese population.

10. The Government expressed deep regret and strongly condemned the atrocities perpetrated during the May riots, in particular the rape of Chinese women. In addition to measures taken to investigate the cases of human rights violations, the Government provided information on the efforts being made to address the issue of violence against women including, inter alia, a forum called "Kata Bunga" established by the Ministry for Women's Affairs to conduct studies and formulate recommendations to the Government on how to provide adequate assistance to victims of these incidents; on 8 July 1998 the Government formed a task force for the protection of women against violence through the provision of post-traumatic care; on 15 July 1998 the National Committee for the Prevention of Violence against Women was created with a view to implementing the National Programme on the Elimination of Violence against Women which has been incorporated into the National Plan of Action on Human Rights 1998-2003 launched on 25 June 1998; both a government and an independent fact-finding team were formed and given three months to investigate the incidents which occurred in May 1998.

11. On 9 November the Special Rapporteur communicated her concerns to the Government over the case of Ms. Ita Martadinata Haryono, who was murdered in her home in Jakarta on 9 October 1998. Ms. Haryono's mother is a member of the Volunteer Team for Humanity (Tim Relawan), one of the organizations investigating the rapes of ethnic Chinese women in Indonesia. Ms. Haryono had herself taken part in many of the group's activities, and had been preparing to travel to the United States with some of the rape victims to testify before a human rights body. It is alleged that the murder was meant as a warning and represented an escalation of the campaign to terrorize persons and organizations investigating the May riots. The three most visible members of Tim Relawan, Father Sandyawan, Ms. Karlina Leksono and Ms. Ita Fathia Nadia, have reportedly been threatened repeatedly since the issue of the rapes first arose. The Special Rapporteur expressed her concern that the information suggests that these incidents are directly linked to their activities in the human rights field.

Iran (Islamic Republic of)

12. By letter dated 30 July 1998 the Special Rapporteur advised the Government that she had received information indicating that the Majlis (the Islamic consultative assembly) had introduced bills that, if passed, would segregate hospital care, forbid using pictures of women on the front page of Iranian publications and curtail discussions of women's rights outside the Shari'a. It is feared that this may exacerbate and be used to justify violence against women by marginalizing them and placing restrictions on their access to the public domain. The Special Rapporteur communicated her concern and requested clarification from the Government in regard to the new legislation, and how such legislation is being brought into compliance with the provisions of international law.

Israel

13. On 12 August 1998 the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the question of torture, expressing concern about the case of Mr. 'Abd al-Rahman Isma'il Ghanimat, Ms. Amira Isma'il Ghanimat and Ms. Rasmiya Isma'il Ghanimat. Mr. 'Abd al-Rahman had allegedly been

tortured whilst in detention. On 4 August 1998 'Abd al-Ghanimat's two sisters, Amira and Rasmiya, were arrested and it is reported that they are also in danger of torture or ill-treatment. It is alleged that during interrogation threats to rape wives or sisters, of detainees have been used to put pressure on men to confess. All three detainees are reportedly held in the General Security Service wing of the Moscobiyya Detention Centre, where there are no special facilities for women. The Special Rapporteur appealed to the Government to investigate the allegations.

Mexico

14. On 24 April 1998 a joint urgent appeal was sent with the Special Rapporteur on the question of torture in regard to the safety of 190 indigenous women from the community of Taniperla, Ocosingo municipality, Chiapas State, who had reportedly been threatened with rape by members of the Movimiento Indígena Revolucionario Antizapatista (MIRA), a paramilitary group alleged to have strong links with the authorities in the region. The threats are reported to have occurred following the detention of 13 people from the community by the Mexican security forces on 11 and 13 April 1998. Following the arrests, the majority of the male population of Taniperla reportedly fled to the surrounding mountains to avoid any confrontation with either MIRA or the security forces. The rape threats have allegedly been made to force the men to come out of hiding. The Special Rapporteur encouraged the Government to investigate the rape threats and bring the alleged perpetrators to justice.

15. By letter dated 29 April 1998, the Government informed the Special Rapporteurs that it had not received any complaints concerning the persons cited. Had such complaints been received, the authorities would have immediately investigated them and provided the necessary protection.

16. By letters dated 22 May and 29 June 1998, the Government provided additional information from the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH), the Attorney General (Procurator General de la República) and the major of Taniperla according to which the national authorities had opened an investigation in response to a complaint from the Mexican League for the Defence of Human Rights (Liga Mexicana por la Defensa de los Derechos Humanos). The CNDH had requested the Governor of Chiapas to take the necessary measures to guarantee the safety of the women concerned. Persons connected with the CNDH had approached the mayor with a view to attending to this matter. They were prevented from investigating the problem by a "self-defence" group set up by the local people to prevent outsiders from entering the area. On that occasion, they had questioned several Zapatista sympathizers in the community who said that they had not received any threats. Members of the Independent Rural Association of Collective Interest of Taniperla (Asociación Rural de Interés Colectivo Independiente) also told the CNDH that they had made no official complaints and they had no knowledge of the women of the community being threatened or attacked. Despite the foregoing, the competent governmental authorities intend to continue to investigate the case.

17. By letter dated 4 August 1998 the Special Rapporteur informed the Government that she had received reports alleging that on 10 July 1998, Ms. Yolanda Castro and Ms. Ines Castro had received death threats in

connection with their activities as defenders of women's rights in Mexico from paramilitaries linked to the State authorities. The two sisters are members of K'inal Antzetik, a Chiapas-based women's advisory group. Members of the group have reportedly received a number of death threats in the past and the office has been kept under surveillance. The Special Rapporteur expressed the hope that the Government of Mexico would guarantee the physical safety of all human rights defenders and take immediate action to bring the alleged perpetrators to trial.

Nepal

18. On 2 September 1998 a joint communication with the Special Rapporteur on the question of torture was sent on behalf of Ms. Bina Karki C, imprisoned in the women's prison of Kathmandu Central Jail. On 11 June 1998, three female prison guards reportedly accused her of making signals with her eyes at a male prison guard. When she denied the accusations, the guards allegedly beat her up, kicking her in the stomach and legs, pulling her hair and dragging her along the ground. The following day she was taken to Bir hospital complaining of severe abdominal pain, weakness and bleeding from the vagina. These complaints appear to be consistent with the Emergency Department medical report. The doctor on duty also reportedly stated that she may have suffered internal bleeding. She was allegedly treated with painkillers but did not receive any further treatment despite the reported deterioration in her condition. It is alleged that an agreement reportedly made by the prison authorities to sanction the guards thought to be responsible, namely Renuka K.C.(Hawaldar), Constable Rupa Rai and Gita Kuwar, has not been followed up. The Special Rapporteur expressed her concern and urged the Government to investigate the incident.

Peru

19. By letter dated 9 November 1998 the Special Rapporteur informed the Government that she had received reports alleging that the climate of harassment and the pressure exerted against human rights defenders in Peru has been worsening. A number of female human rights activists have been subjected to harassment, abductions, attacks and death threats, including Ms. Delia Revoredo Marsano de Mur, Ms. Elba Greta Minaya Calle and Ms. Sofia Macher.

20. Since early 1998 another prominent women's rights activist, currently campaigning against forced sterilization, Ms. Giulia Tamayo León, has allegedly been subjected to several incidents threatening her personal security and that of her family, including physical assault, intrusion upon private property and anonymous threatening telephone calls. Women's groups have been campaigning against a law authorizing the sterilization of women as a means of family planning which was introduced in 1995. The law has allegedly been used to put pressure in particular on poor indigenous women to be sterilized. Furthermore, it is argued that the real motive for the law is not to enhance women's reproductive rights but to reduce birth rates. It is alleged that the incidents against Ms. Tamayo León were attempts by the authorities to intimidate and force her to stop her work against violence against women in the health and public sectors and other issues of women's rights.

Saudi Arabia

21. On 8 October 1997 Ms. Farzana Kauzar, a Pakistani citizen, and her three children were arrested in Dahran. Ms. Kauzar allegedly was not charged with any criminal offence and it is reported that the reason for her detention was an attempt by the authorities to force her husband, wanted in connection with a financial misdealing of his employer, to return to Saudi Arabia. The Special Rapporteur expressed her concern and expressed the hope that the Government would investigate the allegations.

22. By letter dated 21 October 1998 the Government replied that Ms. Kauzar had been frisked before boarding the plane and was found to be carrying documents which concerned the police. It appeared from the documents that one of the two wanted persons was her husband. She was prevented from leaving the country and was given accommodation for herself and her children. The date of 5 September 1998 was fixed for judicial proceedings. The competent authorities allowed Ms. Kauzar and her children to leave Saudi Arabia on 27 August 1998.

Sri Lanka

23. By letter dated 24 September 1998 the Special Rapporteur informed the Government that she had received reports alleging that women and girls of Tamil origin in Northern and Eastern Provinces suffer sexual violence at the hands of the military. The Special Rapporteur transmitted information regarding specific cases described in the following paragraphs.

24. On 25 June 1998, the army chief of the Mirusuvil army camp in the Jaffna peninsula commanded Ms. Kanthasamy Kalanithy (26) to marry one of his soldiers. It is alleged that he forced her to stand in front of 10 soldiers and to choose one. When she refused to do so, he ordered one of his soldiers to put a _poottu_ (a red spot signifying marriage) on her forehead. When she protested, she was allegedly gang-raped by all 10 soldiers and then killed. The army chief refused to hand over her body to a doctor for examination. It is reported that the soldiers have attempted to threaten her parents into silence.

25. With respect to this case, the Government reported that investigations by the Ministry of Defence indicate that Ms. Kanthasamy Kalanithy had committed suicide on 25 June 1998. The next-of-kin have not initiated any judicial investigations. The Security Force Office in Jaffna has denied the allegations of rape made against army personnel.

26. On 16 October 1997 Ms. Thankanayaki (49) was gang-raped and murdered by police and home guards in Amparai in Eastern Province. Members of the security forces had allegedly sexually mutilated her after raping her.

27. With respect to this case, the Government replied that the Ministry of Defence has directed police officials to conduct further investigations and report.

28. On 17 May 1997, at around 11 p.m., Ms. Murugesapillai Koneswary was raped and killed by the police in front of her two-year-old daughter. It is reported that her rapists killed her by exploding a grenade on her abdomen.

The President ordered an inquiry into the crime, which was entrusted to the Criminal Investigation Department; no independent inquiry was made. According to information received, no one has been convicted for the crime.

29. With respect to this case, the Government replied that investigations have been carried out and a magisterial inquest held concerning the alleged rape and murder. The magistrate returned a verdict of homicide on 17 June 1997 and ordered further investigations. The Assistant Superintendent of the Police made an application for the body of the deceased to be exhumed to hold a second post-mortem inquiry. The inquest proceedings are pending and the case should be taken up for examination and verdict on 5 January 1999 once the medico-legal report is available.

30. On 17 March 1997, two sisters Ms. Velan Rasammah (34) and Ms. Velan Vasantha (28), were raped by four soldiers at Thannamunai village, 6 km north of Batticaloa. The armed soldiers, from the Mailampaveli camp had allegedly broken into the women's home at 11 p.m., and viciously assaulted and raped them at gunpoint. The women had to be hospitalized, and were heavily bruised and covered with teeth marks. Both women made a complaint to the local police at Eravur. A further complaint was made to the local Joint Operations Commander. On 22 March four soldiers from the Mayilampaveli army camp were taken into custody. On 28 March an identity parade was held in court and one soldier was picked out. The captain in charge of Mayilampaveli army camp was transferred out of the area shortly after the incident. The four soldiers have been released on bail, despite the case being filed in the magistrate's court of Batticaloa. No further action is known to have been taken.

31. With respect to this case, the Government replied that the police had initiated judicial proceedings before the Batticaloa magistrate's court. The court held an identification parade but the complainants could not identify the suspects. The District Medical Officer of Eravur hospital, who submitted the medico-legal report, stated that there was no evidence of rape. The court discharged the suspects.

32. On 2 May 1996, the bodies of two young sisters and their two brothers were found near Kodikamam junction in Thenmaratchy, Jaffna district. The sisters had allegedly been gang-raped before being killed. It is reported that on 29 April 1996 a group of soldiers had entered their house and asked the young women to come to the army camp to prepare tea for the soldiers. Unwilling to let their sisters go alone with the soldiers the two brothers accompanied them to the army camp. On their way there the brothers were shot and killed by soldiers. The sisters were dragged into the camp, gang-raped and then killed. Allegedly, the bodies were later dumped near Kodikamam junction by the soldiers.

33. With respect to this case, the Government replied that the Ministry of Defence has directed police officials to conduct further investigations and report.

34. On 11 February 1996, during the massacre of 24 villagers at Kumarapuram in Eastern Province, the military forces sexually assaulted and killed two young women. It is reported that Ms. Arumaithurai Tharmaletchumi was dragged

from a shop in the village and taken to the milk collection centre where she was raped before being shot. A 14-year-old boy who tried to stop the soldiers from dragging her away was allegedly shot between his legs. The mutilated body of a pregnant woman was reportedly also found with gunshot wounds. According to information received only low-ranking soldiers faced charges and were subsequently released on bail.

35. With respect to this case, the Government replied that eight soldiers had been brought before the magistrate of Muttur and charged with murder. The alleged incident relating to the rape and murder of Ms. Tharmaletchumy has not been confirmed; however, the Ministry of Defence has directed the relevant authorities to investigate. The case is in progress in the magistrate's court of Muttur.

36. It is alleged that there are mass graves where raped and murdered women have been buried in areas where only the military have access. In particular, a mass grave at Chemmani on the Jaffna peninsula has been reported to exist. The Special Rapporteur encouraged the Government of Sri Lanka to address the legal provisions which reportedly allow the security forces to commit human rights abuses with impunity in order to prevent further incidents of violence against women. Furthermore, the Special Rapporteur expressed her hope that every effort will be made to investigate the alleged incidents and bring the perpetrators to trial and to ensure that they are prosecuted and convicted in a manner consistent with international human rights standards.

37. The Government replied that the allegation concerning the mass grave in Chemmani is being investigated by the Human Rights Commission of Sri Lanka and the Criminal Investigation Department. The President of Sri Lanka has assured the Human Rights Commission of Sri Lanka that the Government will extend its full support and cooperation to its investigations including through obtaining the services of forensic experts. The Attorney-General has stated that human rights organizations could observe the investigations. The Attorney-General's Office is making arrangements to have a magistrate initiate an investigation into the allegations concerning Chemmani. The Government denies that reporting of rape is seen as dangerous and states that there have been several cases of rape investigated by the authorities. The Government reiterates that it has given clear instructions to all members of the armed forces that it will not tolerate any form of sexual violence against women belonging to any ethnic group.

Trinidad and Tobago

38. The Special Rapporteur sent an urgent appeal to the Government on 28 September 1998 concerning Ms. Pamela Ramjattan who was sentenced to death for the murder of her common-law husband, Mr. Alexander Jordon, in May 1995. (The Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on independence of judges and lawyers also communicated their particular concerns.) Ms. Ramjattan testified that she was subjected to domestic violence throughout their eight-year relationship. The particularly violent abuse which Ms. Ramjattan and the children suffered, and the effect of the abuse on her state of mind and her actions, were apparently not taken into account when she was convicted of

murder and sentenced to death. Increasingly, courts around the world have accepted evidence of "battered women's syndrome" in mitigation of charges of murder.

39. It is reported that, on 10 March 1991, Ms. Ramjattan gave birth to her child prematurely; she was not taken to hospital straight away, despite her numerous requests, and a fellow prisoner helped her to deliver her baby in the cell. She was eventually taken to hospital but her baby died soon after arrival.

40. On 9 May 1995, Ms. Ramjattan's trial commenced. Her lawyer, appointed by the legal aid board, did not conduct any investigations or obtain psychiatric evidence.

41. Ms. Ramjattan has been on death row for three years, and in prison for seven years and a half. For the first seven years of her incarceration, she has reportedly been unable to see her children with the exception of her oldest daughter. Her two eldest daughters started to visit their mother in prison a few months ago and have been severely traumatized by the experience. It is alleged that neither Ms. Ramjattan nor her children have received any rehabilitative care or counselling to help them come to terms with the violence to which they were subjected. The Special Rapporteur requested the Government to consider the specific circumstances of the killing of Mr. Alexander Jordon and in particular the violent abuse which Ms. Ramjattan and the children suffered at his hands and the effect of this abuse on her state of mind and her actions. The Special Rapporteur encouraged the Government to exercise the prerogative of mercy in this case.

Tunisia

42. In an urgent appeal dated 30 July 1998, the Special Rapporteur communicated her concern to the Government in regard to the case of Ms. Radhia Nasraoui, a human rights lawyer, and her family who have reportedly been subjected to a pattern of harassment by the security forces on account of her human rights work. On 6 June 1998 an attempt was allegedly made by two security policemen to abduct her daughter. On 12 February 1998, Ms. Nasraoui's office was reportedly ransacked and the majority of her files were removed. On 11 March 1998 she was charged *in absentia* with 11 charges, including belonging to a terrorist group; spreading false information; contempt of court, of public order and of the President of the Republic; and distribution of leaflets. It is reported that on her return from abroad, she was summoned before an examining magistrate and ordered not to leave the capital. Since the end of March, Ms. Nasraoui has reportedly been constantly followed by plain-clothes security police on a motorbike and in two cars, and that on two occasions attempts have been made to run her over. The Special Rapporteur expressed the hope that the Government will investigate these allegations and take immediate action to bring the alleged perpetrators to trial, in order to comply with its international obligations.

43. On 30 September 1998 the Special Rapporteur sent a joint communication with the Special Rapporteur on the question of torture informing the Government that they had received allegations according to which the wives and other relatives of political opponents, both in detention and in exile, had

been subjected to inhuman or degrading treatment. Most often, these persons had been detained for a short period and interrogated, during which they had been mistreated. Such interrogations took place repeatedly, for certain persons several times a week, and even daily, and concerned the relations which the women continued to maintain with their husbands as well as their means of subsistence. The mistreatment occurred in their homes, at police stations, at the offices of the National Guard and at the Ministry of the Interior. The objective of the mistreatment was to force them to cut off all relations with the political opponents; the wives were told to request a divorce. The women were undressed and humiliated, subjected to sexual abuse, threatened with rape and sometimes forced to submit to gynaecological tests. Most had their passports taken away in order to prevent them from joining their husbands abroad. Although most of the women have been able to leave the country to rejoin their husbands in the last 12 months, no investigations have been undertaken of their mistreatment and no compensation paid to the victims. The Special Rapporteur has received information concerning individual cases which is summarized in the following paragraphs.

44. Jalila Jallet was allegedly arrested, interrogated, beaten and tortured in order to force her to divorce her husband, a supporter of al-Nahda who left the country in 1990. At the end of 1991, she was allegedly detained in secret for 17 days during which she was beaten and otherwise mistreated. One of her legs was reportedly broken. After a year of imprisonment, she lost her job and was reportedly obliged to report up to five times a day to the police station, where she was continuously abused. She had recently been able to rejoin her husband in exile.

45. Zohra Sa'd Allah, whose husband left the country in 1995 after having been imprisoned for four years, was mistreated during interrogation. Her house was reportedly searched several times, sometimes at night, by the police. She was recently able to leave the country.

46. Mounia Daikh, a mother of three whose husband also left the country several years ago, was allegedly subjected to similar treatment; she too has left the country.

47. Radhia Aouididi was repeatedly subjected to ill-treatment since her fiancé left the country in 1992. Unable to obtain a passport, she tried to leave the country illegally in September 1996. She was arrested at the airport along with Samia Ben Karmi. They were beaten, mistreated and threatened with rape during their secret detention. They were freed in 1997 and are currently in exile.

48. Naziha Ben Alissa was allegedly tortured in May 1993, some months after having requested a passport to join her husband in exile in France. She was said to have been detained for 12 days in secret at the Sfax police station where she was sexually abused, and in particular made to undress in front of several police officers. She was pressured to sign a request for divorce and had to report daily to the police station. As a result of this treatment, she is said to be mentally ill and suffers anxiety attacks. At present she was with her husband in France.

Turkey

49. By letter dated 26 August 1998 the Special Rapporteur, in a joint communication with the Special Rapporteur on the independence of judges and lawyers, expressed her concern with regard to the case of Ms. Sevil Dalkilic. Ms. Dalkilic was detained in March 1994 and held at the Ankara police headquarters for 15 days. During that time she was allegedly subjected to death threats and torture, including sexual abuse. The Special Rapporteur expressed the hope that the Government will investigate these allegations and ensure respect for basic human rights in all circumstances.

50. With respect to this case, the Government replied that Ms. Sevil Dalkilic was kept in custody for 14 days, in accordance with the relevant articles of the Turkish Code of Criminal Procedure then in force, and was arrested on 17 March 1994. On 7 February 1995, the State Security Court of Ankara sentenced her to 15 years' imprisonment and a fine of 1,920,000 Turkish liras for her membership in an armed gang and for the use of explosives. The verdict was appealed to the Supreme Court of Appeals and the decision of the Ankara State Security Court was upheld on 13 October 1995. Ms. Dalkilic's lawyer submitted allegations that she had been tortured during detention on 8 July 1994 and 14 November 1994. According to the Government, the forensic report issued on 16 March 1994 confirmed that she had not been subjected to torture or ill-treatment.

Annex

CONFIDENTIAL

VIOLENCE AGAINST WOMEN

INFORMATION FORM

INFORMER:

Name of person/organisation: _____

Address: _____

Fax/Tel/E-mail: _____

VICTIM(S):

Name: _____

Address: _____

Date of Birth: _____

Nationality: _____

Sex: _____

Occupation: _____

Ethnic background (if relevant): _____

Marital status: _____

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THE INCIDENT:

Date: _____ Time: _____

Location/country: _____

Number of assailants: _____

Are the assailant(s) known to the victim? _____

_____

Description of the assailant(s) (include any identifiable features): _____

_____

_____

Description of the incident: _____

_____

_____

Does the victim believe she was specifically targeted because of gender?

If yes, why? _____

_____

_____

Has the incident been reported to the relevant State authorities?

If so, which authorities and when? _____

_____

_____

Actions taken by the authorities after the incident: _____

_____

_____

WITNESSES:

Were there any witnesses? _____

_____

Name/age/relationship/contact address: _____

_____

PLEASE RETURN TO THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, UNITED NATIONS, 1211 GENEVA 10, SWITZERLAND. FAX (41 22) 917 9006